Final
Environmental Impact Report
SCH No. 2016111029

EAST LAKE SPECIFIC PLAN
AMENDMENT NO. 11

Prepared for:

City of Lake Elsinore
130 South Main Street
Lake Elsinore, California 92530

Prepared by:

VCS Environmental
30900 Rancho Viejo Road, Suite 100
San Juan Capistrano, California 92675

November 2017

Final
ENVIRONMENTAL IMPACT REPORT
SCH NO. 2016111029

EAST LAKE SPECIFIC PLAN
AMENDMENT NO. 11

Prepared for:

City of Lake Elsinore
130 South Main Street
Lake Elsinore, California 92530

Contact:
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Planning Manager
(951) 674-3124 Ext. 209

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NOVEMBER 2017

Table of Contents

Chapter 1 - Introduction 1
1.1 Relationship to the DEIR 1
1.2 Background 1
1.3 Use of the FEIR and the CEQA Process 3
1.4 Method of Organization 4
1.5 Focus of Comments 4
1.6 Environmental Impacts and Mitigation Measures 5
Chapter 2 – Response to Comments 5
2.1 List of Persons, Organizations and Public Agencies Commenting on the DEIR 5
2.2 Response to Comments 7
Comment Letter 1 – Aqua Caliente Band of Cahuilla Indians 8
Response to Comment Letter 1 9
Comment Letter 2 – Rincon Band of Luiseno Indians 10
Response to Comment Letter 2 11
Comment Letter 3 – Debra Pollard 12
Response to Comment Letter 3 13
Comment Letter 4 – Sonja Xia 14
Response to Comment 4 16
Comment Letter 5 – Van C. Nguyen 17
Response to Comment Letter 5 19
Comment Letter 6 – Paul Pribble 21
Response to Comment 6 33
Comment Letter 7 – Leonard Leichnitz 34
Response to Comment Letter 7 36
Comment Letter 8 – Department of Toxic Substance Control 37
Response to Comment Letter 8 39
Comment Letter 9 – Linda Ridenour 40
Response to Comment Letter 9 51
Comment Letter 10 – Brian Milich 69
Response to Comment Letter 10 75
Comment Letter 11 – Civic Partners 76
Response to Letter 11 79
Comment Letter 12 – Michael Alder Realty Investments 83
Response to Comment Letter 12 85
Comment Letter 13 – Paulie Tehrani and Sharon Gallina 86
Response to Comment Letter 13 87
Comment Letter 14 – Rosenthal and Marash 88
Response to Comment Letter 14 90
Comment Letter 15 – Rod K. Oshita 91
Response to Comment Letter 15 92

Comment Letter 16 – South Coast Air Quality Management District (SCAQMD) 93
Response to Comment Letter 16 97
Comment Letter 17 – Center for Biological Diversity 102
Response to Letter 17 135
Comment Letter 18 – Riverside County Transportation Department 189
Response to Comment Letter 18 191
Comment Letter 19 – Office of Planning and Research 192
Response to Comment Letter 19 194
Comment Letter 20 – Patrick Brown (Letter 1) 195
Response to Letter 20 196
Comment Letter 21 – Patrick Brown (Letter 2) 197
Response to Comment Letter 21 198
Comment Letter 22 – RCFC&WCD 199
Response to Comment Letter 22 200
Comment Letter 23 – The Southwick Law Firm 201
Response to Comment Letter 23 203
Comment Letter 24 – Terri Mullins 207
Response to Comment Letter 24 208
Comment Letter 25 – Offices of Miller, Catlin, and Holmstrom 210
Response to Comment Letter 25 224
Comment Letter 26 – Santa Ana Regional Water Quality Control Board 233
Response to Comment Letter 26 236
Comment Letter 27 – Wildlife Agencies 240
Response to Letter 27 260
Chapter 3: Corrections, Errata and Changes from DEIR 288
3.1 Introduction 288
3.2 Corrections/Errata and Changes 288
0.0 Table of Contents 288
1.0 Executive Summary 289
2.0 Introduction 289
3.0 Project Description 290
4.0 Impacts Determined Less Than Significant 294
5.1 Aesthetics 294
5.2 Air Quality 295
5.3 Biological Resources 296
5.4 Cultural, Paleontological and Tribal Resources 317
5.5 Geology, Soils and Seismicity 317
5.6 Greenhouse Gas Emissions 318
5.7 Hazards and Hazardous Materials 320
5.8 Hydrology and Water Quality 321
5.9 Land Use and Planning 325
5.10 Noise 325

5.11 Population and Housing 325
5.12 Public Services 325
5.13 Recreation 325
5.14 Transportation and Circulation 326
5.15 Utilities 327
5.16 Energy and Irretrievable Resources 327
5.17 Growth Inducing 327
6.0 Significant Unavoidable Adverse Impacts 327
7.0 Alternatives Analysis 328
8.0 Preparers/Organizations and Persons Consulted 328
9.0 Bibliography 328
10.0 Glossary of Acronyms 329

APPENDICES

Exhibit A – Revised Draft Environmental Impact Report (Revised DEIR) and Appendices

Exhibit B – Mitigation Monitoring and Reporting Program (MMRP)

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Chapter 1 - Introduction

This Final Environmental Impact Report (FEIR) has been prepared to comply with the requirements of Section 15089 of the State CEQA Guidelines ("CEQA Guidelines") (California Code of Regulations, Title 14, Sections 15000 et seq.). As required by Section 15132 of the CEQA Guidelines, this FEIR consists of comments and recommendations received on the Draft Environmental Impact Report (DEIR), a list of persons, organizations, and public agencies commenting on the DEIR, the responses of the Lead Agency (City of Lake Elsinore) to significant environmental points raised in the review and consultation process, and any other information added by the Lead Agency. The revised Draft Environmental Impact Report (revised DEIR) is also attached as Exhibit A of this FEIR.

Additionally, pursuant to Section 21081.6 of the California Environmental Quality Act (California Public Resources Code, Sections 21000 et seq.) and Section 15097 of the CEQA Guidelines (California Code of Regulations, Section 15000 et seq.), public agencies are required to adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure that the mitigation measures identified in an Environmental Impact Report (EIR) are implemented. The MMRP for this FEIR is included as Exhibit B of this document.

1.1 Relationship to the DEIR

Minor changes that provide clarification or correct minor inaccuracies in the DEIR and changes to the DEIR made in response to comments received are described in the Corrections, Errata, and Changes from DEIR to FEIR section of this document (Chapter 3). Also, a complete revised DEIR is included as Exhibit A of the FEIR. Together with the MMRP, the Environmental Findings and the other information in the Record of Proceedings (Administrative Record), these documents constitute the environmental disclosure record that will serve as the basis for the City Council's decision on the proposed Project.

1.2 Background

The EIR process typically consists of three parts – the Notice of Preparation/Scoping, the DEIR and the FEIR, each with its own requirements for circulation and public review. A summary of public outreach conducted for this Project to date are discussed below.

The City prepared and distributed a Notice of Preparation (NOP) of an EIR on November 10, 2016 for a 30-day review period. The NOP was distributed to the State Clearinghouse Office of Planning and Research, public agencies, utility and service providers, the Riverside County Clerk/Recorder, adjacent jurisdictions, and interested parties in the Project vicinity. Additionally, a notice of the availability of the NOP was published in the *Press-Enterprise* newspaper on November 10, 2016.

Pursuant to Section 15082 of the *CEQA Guidelines*, recipients of the NOP were asked to provide responses within 30 days after their receipt of the NOP. The Project's official 30-day scoping period occurred from November 10, 2016 to December 12, 2016. In addition, in compliance with Section

21083.9 of CEQA and Section 15082(c)(1) of the *CEQA Guidelines*, the City held a public scoping meeting on December 1, 2016 to receive public and agency comments. Comments received from the public and agencies during the public review period for the NOP and the public scoping meeting were considered in the preparation of the DEIR prepared for the proposed project.

The City received eleven (11) letters/e-mails with comments and (5) five comment cards during the December 1, 2016, scoping meeting. Comments received from the public and agencies during the public review period for the NOP and the public scoping meeting were considered in the preparation of the revised DEIR prepared for the proposed project. A copy of the NOP and the NOP distribution list are provided in Appendix A of the revised DEIR (Exhibit A). Copies of comments regarding the NOP, received by the City, are included as Appendix B of the revised DEIR (Exhibit A).

The environmental analysis of the proposed Project was initiated by the City with the preparation of the Project's environmental technical studies and DEIR, which commenced in November 2016. Pursuant to *CEQA Guidelines* Section 15084 (e), the City subjected the DEIR and revised DEIR to its own review and analysis to ensure that these studies and supporting analysis reflect the independent judgment of the City as the Lead Agency. The DEIR was prepared to analyze potentially significant impacts associated with the proposed Project, and to identify feasible mitigation measures for significant impacts identified in the analysis. A Notice of Availability/Notice of Completion (NOA/NOC) was prepared and distributed with the DEIR for a 45-day public review period, which commenced on April 18, 2017 and ended on June 2, 2017.

The general public and interested stakeholders were notified of the availability of the DEIR through the preparation and publication of a Notice of Availability/Notice of Completion, which was published in the Press-Enterprise on April 21, 2017. Also, as required by Public Resources Code Section 21092.3, a copy of the Notice of Availability/Notice of Completion was posted with the Riverside County Clerk and with the State Clearinghouse on April 18, 2017. Mailers were also sent by the City on April 18, 2017 to all responsible agencies, trustee agencies, other state, federal, and local agencies with jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project, neighboring cities, Riverside County, regional transportation agencies, California Air Resources Board, and other individuals and entities identified by the City as potentially being concerned with the environmental effects of the proposed Project including key stakeholders and property owners in the ELSP site.

Between April 18 and June 2, 2017, the DEIR, supporting technical appendices, and the ELSPA No. 11 were provided for public review on the City's website as well as at the following locations:

- City of Lake Elsinore Community Development Department, 130 South Main Street, Lake Elsinore, CA 92530;
- Altha Merrifield Memorial Library, 600 W. Graham Avenue, Lake Elsinore, CA 92530;
- Vick Knight Community Library, 32593 Riverside Drive, Lake Elsinore, CA 92530.

As described in the public notice and in accordance with CEQA Section 21091(d), the City of Lake Elsinore accepted written comments through June 2, 2017; however, two comments that were received after the June 2 deadline were also accepted and considered in the revised DEIR and this FEIR. In total, twenty-seven (27) letters and e-mails were received during and immediately after the Project's 45-day public review period. Responses to all the letters/e-mails have been prepared pursuant to Section 15088 of the *CEQA Guidelines* and are included in Chapter 2 of this FEIR.

The City of Lake Elsinore has provided written response to each commenting public agency's comment letter no less than 10 days prior to certifying this FEIR in compliance with the provisions set forth in Public Resources Code Section 21092.5(a) and Section 15088 of the *CEQA Guidelines*.

1.3 Use of the FEIR and the CEQA Process

The FEIR allows the public an opportunity to review any revisions to the DEIR, written comments received during the public review period, the City's responses to those comments, and other components of the EIR, prior to approval of the Project. After completing the FEIR and before approving the project, the lead agency must make the following three certifications, as required by Section 15090 of the *CEQA Guidelines*:

- The FEIR has been completed in compliance with CEQA;
- The FEIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information in the FEIR prior to approving the project; and
- The FEIR reflects the lead agency's independent judgment and analysis.

As required by Section 15091(a) of the *CEQA Guidelines*, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

These certifications and the Findings of Fact are included in a separate Findings document.

1.4 Method of Organization

This FEIR for the proposed East Lake Specific Plan contains information in response to concerns raised by written comments sent to the City of Lake Elsinore. The FEIR is organized into the following chapters:

- Chapter 1: Introduction, consists of a summary of the background of the proposed project, information about the certification of the FEIR, and a brief discussion of the intended uses of the FEIR.

- Chapter 2: Response to Comments, contains a list of agencies and individuals that submitted written comments on the DEIR. Chapter 2 also includes a copy of each written comment letter, and a written response to each comment.

- Chapter 3: Corrections, Errata and Changes from DEIR, represents additional information, corrections, and additional information that do not change the impacts of the proposed project and/or mitigation measures such that new or more severe environmental impacts result from the proposed project.

1.5 Focus of Comments

Section 15200 of the *CEQA Guidelines* establishes the purpose of public review of environmental documents, which includes:

a) Sharing expertise,
b) Disclosing agency analyses,
c) Checking for accuracy,
d) Detecting omissions,
e) Discovering public concerns, and
f) Soliciting counter proposals.

Sections 15204(a) and 15204(c) of the *CEQA Guidelines* further state:

a) In reviewing DEIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project

at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

b) Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of "substantial evidence". Substantial evidence means enough relevant information and reasonable inferences from this DEIR information are evident so that a fair argument can be made to support a conclusion even though other conclusions, of other experts, might also be reached. Expert opinions can differ. The decision-maker is not judging the DEIR as a battle among experts. If the DEIR has substantial evidence, then the CEQA test has been made.

c) Recirculation of an EIR according to *CEQA Guidelines* Section 15088.5 is only required when "significant new information" is added to the EIR. New information added is not significant unless the EIR is changed in a way that deprives the public of meaningful opportunities to comment on a "substantial adverse effect" of a project or a feasible way to mitigate or avoid an effect that the project proponents have declined to implement.

Section 15204(f) of the CEQA Guidelines establishes the rule that a responsible or trustee agency may submit proposed mitigation measures, limited to the resources subject to the statutory authority of that agency. These measures must include complete and detailed performance objectives for the measures or refer the lead agency to the appropriate guidelines or reference materials.

1.6 Environmental Impacts and Mitigation Measures

A detailed discussion of existing environmental conditions, environmental impacts and recommended mitigation measures is included in the revised DEIR (Exhibit A), Environmental Setting, Impacts and Mitigation Measures, sections. Project impacts, recommended mitigation measures, and level of significance after mitigation were identified in the DEIR.

Chapter 2 – Response to Comments

2.1 List of Persons, Organizations and Public Agencies Commenting on the DEIR

As stated in CEQA Guidelines Sections 15132 and 15362, the FEIR must contain information summarizing the comments received on the DEIR, either verbatim or in summary; a list of persons

commenting; and the response of the lead agency to the comments received. Twenty-seven comment letters/e-mails were received by the City in response to the DEIR and/or the proposed specific plan amendment. This chapter includes each letter received and the City's responses to each of these comments. The following agencies, organizations and individuals submitted written comments regarding the DEIR:

Table 1. List of Comments Received on the DEIR

Letter	Agency/Commenter	Date of Letter
1	Aqua Caliente Band of Cahuilla Indians	April 24, 2017
2	Rincon Band of Luiseno Indians	April 25, 2017
3	Debra Pollard	May 3, 2017
4	Sonja Xia	May 3, 2017
5	Van C. Nguyen (2 Letters)	May 3, 2017; May 9, 2017
6	Paul Pribble (6 emails)	May 16, 2017 (last email)
7	Leonard Leichnitz	May 18, 2017
8	Department of Toxic Substance Control	May 19, 2017
9	Linda Ridenour	May 26, 2017
10	Brian Milich (copy of McMillin Summerly Letter)	May 30, 2017
11	Civic Partners	June 1, 2017
12	Michael Alder Realty Investments	June 1, 2017
13	Paulie Tehrani and Sharon Gallina (copy of Linda Ridenour, Letter 10)	June 1, 2017
14	Rosenthal and Marash	June 1, 2017
15	Rod K. Oshita	June 1, 2017
16	South Coast Air Quality Management District	June 1, 2017
17	Center for Biological Diversity	June 1, 2017
18	County of Riverside Transportation and Land Management Department	June 1, 2017
19	Governor's Office of Planning and Research: State Clearinghouse and Planning Unit	June 2, 2017
20	Patrick Brown (Letter 1)	June 2, 2017
21	Patrick Brown (Letter 2)	June 2, 2017
22	Riverside County Flood Control and Water Conservation District	June 2, 2017
23	The Southwick Law Firm	June 2, 2017
24	Terri Mullins	June 2, 2017
25	Offices of Miller, Catlin, and Holmstrom	June 2, 2017
26	Santa Ana Regional Water Quality Control Board	June 6, 2017
27	U.S. Fish and Wildlife Service (Palm Springs) and California Department of Fish and Wildlife (Inland Deserts)	June 6, 2017

2.2 Response to Comments

Pursuant to *CEQA Guidelines* Section 15088, the responses to written comments presented in this section address specific, relevant comments on environmental issues raised in the submitted comment letters.

CEQA Guidelines Section 15088.5, requires the lead agency to recirculate an EIR only when significant new information is added to the EIR after public notice is given of the availability of the DEIR for public review. New information added to an EIR is not significant unless the EIR has changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse, environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement (CEQA Guidelines, Section 15088.5). In summary, significant new information consists of: (1) disclosure of a new significant impact; (2) disclosure of a substantial increase in the severity of an environmental impact; (3) disclosure of a feasible project alternative or mitigation measure considerably different from the others previously analyzed that would clearly lessen environmental impacts of the project but the project proponent declines to adopt it; and/or (4) the DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*CEQA Guidelines*, Section 15088.5). Recirculation is not required where, as stated above, the new information provided in response to the comments received to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (*CEQA Guidelines*, Section 15088.5).

Comment Letter 1 – Aqua Caliente Band of Cahuilla Indians

Letter 1
page 1 of 1

Richard J. MacHott, LEED Green Assoc.

From: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Sent: Monday, April 24, 2017 1:38 PM
To: Richard J. MacHott, LEED Green Assoc.
Subject: Notice of Completion for the Draft EIR. East Lake Specific Plan No. 11 Project

Good Afternoon, Mr. MacHott,

1-1 Thank you for including us in the consultation process for this project. However, a records check of the ACBCI cultural registry revealed that this project is not located within the Tribe's Traditional Use Area (TUA). Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Have a great day,

Victoria Harvey M.A., R.P.A.
Archaeological Monitoring Coordinator
Agua Caliente Band of Cahuilla Indians
760-699-6981 (Desk)
(760) 406-1909 (Cell)
vharvey@aguacaliente.net

The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer

1

Response to Comment Letter 1

Aqua Caliente Band of Cahuilla Indians

1-1. The commenter stated that the project is not located within the Tribe's Traditional Use Area; therefore, the Tribe defers consultation to the other tribes in the area. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 2 – Rincon Band of Luiseno Indians

Letter 2
Page 1 of 1

RINCON BAND OF LUISEÑO INDIANS
Cultural Resources Department
1 W. Tribal Road · Valley Center, California 92082
(760) 297-2635 Fax:(760) 749-2639

April 25, 2017

RECEIVED
MAY 01 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Richard MacHott
City of Lake Elsinore
Community Development Department
Planning Division
130 South Main Street
Lake Elsinore, CA 92530

Re: East Lake Specific Plan Amendment No. 11 Project

Dear Mr. MacHott:

This letter is written on behalf of Rincon Band of Luiseño Indians. We have received your notification regarding the East Lake Specific Plan Amendment No. 11 Project and we thank you for the consultation notification. The location you have identified is within the Territory of the Luiseño people.

2-1 Embedded in the Luiseño Territory are Rincon's history, culture and identity. The project is within the Luiseño Aboriginal Territory of the Luiseño people however, it is not within Rincon's Historic Boundaries. We do not have any additional information regarding this project but, we defer this project to the Pechanga Band of Luiseño Indians or Soboba Band of Luiseño Indians who are located closer to your project area.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Destiny Colocho
Manager
Rincon Cultural Resources Department

Bo Mazzetti, Tribal Chairman | Tishmall Turner, Vice Chairwoman | Steve Stallings, Council Member | Laurie E. Gonzalez, Council Member | Alfonso Kolb, Council Member

Response to Comment Letter 2

Rincon Band of Luiseno Indians

2-1. The commenter stated that, although the project is located within the Territory of the Luiseño people, it is not within Rincon's Historic Boundaries; therefore, the band defers consultation on the project to the Pechanga Band of Luiseño Indians or Soboba Band of Luiseño Indians. As described in the Draft Environmental Impact Report (DEIR), the City of Lake Elsinore has consulted with the Pechanga Band of Luiseño Indians and the Soboba Band of Luiseño Indians pursuant to SB 18 and AB 52 (pages 5.4-21 and 5.4-22). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 3 – Debra Pollard

Letter 3
Page 1 of 1

COMMENT CARD

May 3, 2017 Public Workshop – East Lake Specific Plan, Amendment No. 11

(PLEASE PRINT)

NAME: Debra Pollard DATE: 5-3-17

STREET ADDRESS: 17843 Grand Ave
L.E 92530

PHONE: (951) 970-5967

E-MAIL ADDRESS:

COMMENT(S)

3-1 Please rezone PA 8 to commercial mixed use overlay regardless of all the other issues.
Thanks

(over)

Please give this comment card to a staff member tonight: or send your written comments by mail or e-mail to:

CITY OF LAKE ELSINORE DREAM EXTREME

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

Response to Comment Letter 3

Debra Pollard

3-1. The commenter requested that the Project's proposed Planning Area 8 (PA 8) be rezoned to commercial mixed-use overlay. The proposed East Lake Specific Plan Amendment, as analyzed by the Draft Environmental Impact Report (DEIR), designates PA 8 for Action Sports, Tourism, Commercial, and Recreation land uses. PA 8 will also be covered by a Mixed-Use Overlay that allows both commercial and residential uses. Therefore, the requested rezone requires no change in the proposed Project. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 4 – Sonja Xia

Letter 4
Page 1 of 2

May 3, 2017

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530

Dear Richard:

I am the owner of Link at Summerly Golf Course, and our team have one comment regarding the DEIR for ELSP.

4-1 In the DEIR 2.2.1 (Land Use Allocation) table 2-2 and table 2-3, in Planning Area 1 section, the total number of hotel rooms for the golf course is specified as 90. However, for most of the leading hotels we've talked with, the minimum size for franchise is somewhere around 120 rooms.

For enabling us to serve our community to the best, we would like to see the total number of hotel rooms for the golf course to be 120.

Your favorable consideration regarding this issue will be greatly appreciated!

Best Regards,

Sonja Xia

Sonja Xia,
Owner
Link at the Summerly Golf Course
29381 Village Parkway
Lake Elsinore, CA 92530

Letter 4
Page 2 of 2

COMMENT CARD

May 3, 2017 Public Workshop – East Lake Specific Plan, Amendment No. 11

(PLEASE PRINT)

NAME: Sonja Xia DATE: 5-3-2017

STREET ADDRESS: 29381 Village Pkwy
Lake Elsinore. CA 92530

PHONE: 424 666 9737

4-2 E-MAIL ADDRESS: Sonja@linkschampionship.com

COMMENT(S)

We would like to increase the number of hotel rooms for the golf course to be 120, for franchise needs. Your favorable consideration will be greatly appreciated!

(over)

Please give this comment card to a staff member tonight: or send your written comments by mail or e-mail to:

CITY OF LAKE ELSINORE DREAM EXTREME

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

RECEIVED
MAY 08 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Response to Comment 4

Sonja Xia

4-1. The commenter requested an increase from 90 to 120 in the total number of hotel rooms described by the proposed East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11) as the target for proposed Planning Area 1. The comment is acknowledged. Footnote 1 in Table 2-2 (East Lake Specific Plan Development Targets by Planning Area) of the ELSPA No. 11 has been amended to clarify that individual hotels may exceed the number of rooms identified provided that the total number of hotel rooms within the East Lake Specific Plan does not exceed 540 rooms. A project-related increase in the development potential within Planning Areas 2, 3, 6 and 8 may be processed concurrently with a design review application and without a specific plan amendment, subject to certain limitations as detailed in Section 10.4.2.2. There has been no increase in the number of hotel rooms allowed by the ELSPA No. 11 as analyzed by the Draft Environmental Impact Report (DEIR). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

4-2. See the Response to Comment 4-1.

Comment Letter 5 – Van C. Nguyen

Letter 5
Page 1 of 2

COMMENT CARD

May 3, 2017 Public Workshop – East Lake Specific Plan, Amendment No. 11

(PLEASE PRINT)

NAME: VAN C NGUYEN DATE: 5/9/17

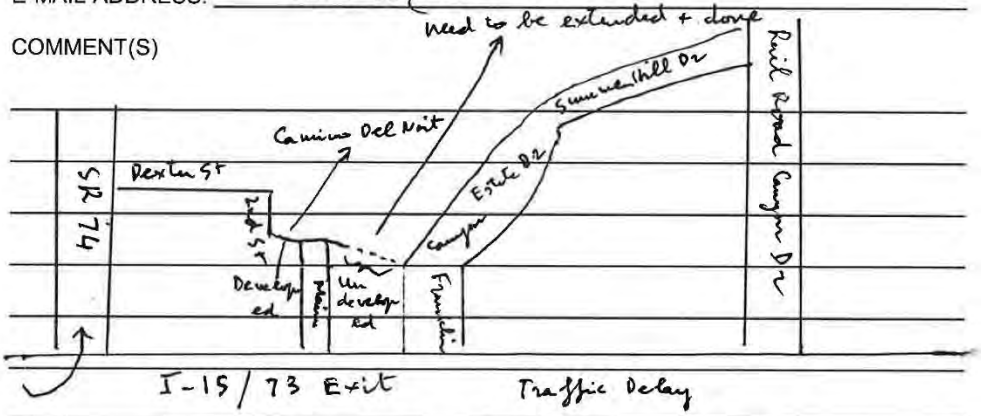
STREET ADDRESS: 29388 Fall Classic, Lake Elsinore, CA 92530

PHONE: 714-725-4731

E-MAIL ADDRESS: VANNTO@G.MAIL.Com

COMMENT(S)

5-1



(over)

Please give this comment card to a staff member tonight: or send your written comments by mail or e-mail to:

CITY OF LAKE ELSINORE DREAM EXTREME

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

5-2

THE DEVELOPER IS REQUIRED TO PAY OR CAUSE TO BE PAID THE ESTABLISHED DRAINAGE FEES (Section 16.72-020 LEMC)
+
MELLO ROOS
+
1888 OLD CITY ESTABLISHMENT
=
SEWER SYSTEM

page 1 of 2

Letter 5
Page 2 of 2

May 9, 2017

Mr. Richard J Machott, Planning Manager
City of Lake Elsinore
Planning Division
130 South Main Street
Lake Elsinore, CA 92530

East Lake Specific Plan Amendment #11

Dear Mr Manager:

After confer upon you on May 3, 2017 meeting, I have two comments:

5-3

1. Traffic congestion
   There is a little traffic jam , exit 73 South bound Freeway I -15 every rush hours afternoon Traffic trends to turn left, when entering 73 exit to rail Road Canyon Road instead of turn right To Diamond Drive.

   To eliminate the situation somewhat, let extend Camino Del Nort street to break through corner Of Canyon Estate Drive and Franklin street.
   This undeveloped street is not materialize yet if do not have a project with the help of Cal Transportation department . When it becomes reality, the traffic jam will be less urgent .

5-4

2. Drainage District fees and sewer services fees
   City of Lake Elsinore is established since 1888 with old sewer systems-They might projected to 50, 100, 150 years after.
   With the existence –East Lake Specific Plan Amendment #11 Hydrology and water quality Consideration along with Mello Roos regulation to complying Lake Elsinore Municipal Code Title 14 chapter 16-72, Drainage District fees and sewer services afterward has to be considered how to projecting into the near future like any other adjacent cities of Riverside as well as the well Establishment cities across California who are comfortable with financial sources , just collecting water fees rather than combine and add with sewer services.

Respectfully submitting

Van C Nguyen
29338 Fall Classic
Lake Elsinore, CA 92530

Page 2 of 2

Response to Comment Letter 5

Van C. Nguyen

5-1. The commenter provided a diagram of an area of congestion at the Interstate 15 Freeway (I-15) exit to Railroad Canyon Drive/Diamond Drive, where traffic backs up to turn left on Railroad Canyon Drive. The commenter recommended extending Camino del Norte to Canyon Estate Drive to alleviate this congestion.

Section 5.14 of the Draft Environmental Impact Report (DEIR) and the project's Traffic Impact Analysis Report (DEIR Appendix K) evaluate the Project's potential impacts on the transportation and circulation system in the Project site and Project vicinity. This project proposes backbone infrastructure for the East Lake Specific Plan area; however, future roadway improvements including to offsite facilities including the I-15 at Railroad Canyon Drive/Diamond Drive interchange as well as other roadways in the regional vicinity are beyond the scope of this project.

Future implementing development projects within the East Lake Specific Plan boundary will develop local streets to address transportation needs of their individual projects. In addition, as described in mitigation measure MM TC-2 within the DEIR, future implementing development projects in the East Lake Specific Plan boundary shall participate in the construction of on- and off-site intersection and street segment improvements through payment of City of Lake Elsinore fees, and participation in the Western Riverside County Transportation Uniform Mitigation Fees (TUMF) program.

No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

5-2. The commenter addressed drainage district fees and sewer services fees and the requirements of Lake Elsinore Municipal Code Chapter 16.72.020. All future implementing development projects would be required to comply with the Lake Elsinore Municipal Code, including Sections 16.34 and 16.72. As discussed in DEIR Section 5.15, additional surface runoff generated by future implementing development projects within the Project site will be collected by facilities that will be designed in accordance with federal, state and local laws and regulations once these projects are proposed and project-level studies are prepared, including hydrology studies, drainage studies, and/or Water Quality Management Plans. Required development fees will be collected from future projects to support the City's Storm Drainage Improvement Fund (Lake Elsinore Municipal Code Chapter 16.34.060), which has been established for the exclusive purpose of developing a storm drainage master plan and a storm drain system. In addition, future implementing development projects will be required to pay drainage district fees, which would support construction of drainage facilities called for in the master plan within the drainage area, as described in more detail in Lake Elsinore Municipal Code Chapter 16.72. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

5-3. See the Response to Comment 5-1.

5-4. See the Response to Comment 5-2.

Comment Letter 6 – Paul Pribble

Letter 6
Page 1 of 12

Grant: May 8,2017

Enclosed please find copies of two documents regarding the subjects that we have been discussing, which we have reason to believe do not agree with the planning protocol presently being used as the basis of the ELSP Amendment No. 11 Basically you will find a page from the Draft EIR prepared by outside consultants which clearly address the land use specifically addressed in PA3 of the ELSP amendment No. 11.

6-1

These documents without question address the correct land uses assigned to the ELSP The document addressed to Justin from the office of the City Attorney made this information available many months back, and I am asking the other members of the Planning effort if this information was made available to them. ??

My question is based on the facts, how did we end up with such divergent opinions on the same subject. ??

Paul

cc: Richard Machott
Carole Donahoe.

RECEIVED
MAY 10 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Justin,

Thank you for meeting with us last week.

I have reviewed the East Lake Specific Plan and would like to discuss the following findings with you:

It is our interpretation that:

- "Master Developer" is the property owner, (See ELSP 1993 - Section 2.7.2)
- The 1993 adopted Specific Plan: is (i) is a binding agreement between the land owner or its successors and the city of Lake Elsinore and (ii) is exempt from changes to codes, plans, resolutions or voter approved initiatives that propose a development scenario different than the Agreement specifies". (see: East Lake Specific Plan Section 2.7.2)
- The Airport Use Area is inherently zoned Residential 1 (ELSP Section 7.7 "The Special Alternative Use Area has a base land use of Residential 1.") (Section 7.5.5 Permitted uses "Open Space subject to the provisions of section 7.7 - 7.7 = base land use or Residential 1
- The Airport Use Area is "Open Space Subject to the provisions of Section 7.7". (In fact the actual airport development is by Conditional Use Permit.) (See: ELSP Section 7.5.5)

6-2

- This is based upon the reference to (Planning Area 100) see ELSP section 7.5.5 Airport Use Area Development Regulations; this is clearly Mr. Pribble's property (Figure 4A within the ELSP).
- At our meeting planning staff referenced Section 5.1 and specifically the 4th type land use under the Commercial land use section (pages 82 – 84 of the ELSP) "Airport Use Area" what I believe was not connected is Section 7.5 Commercial Development Regulations and more specifically Section 7.5.5 Airport Use Area Development Regulations subsection (a.) Permitted Uses:
  - "Open Space subject to the provisions of Section 7.7 - Special Alternative Use Area which has a base land use of Residential 1."

Attached please find a matrix relating to my reference to the various interpretations within the ELSP specifically relating to the Airport Use Area:

Thank you and I look forward to your follow-up on this matter.

Respectfully

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Letter 6
Page 3 of 12

residential neighborhood and The Links at Summerly Golf Course in proposed Planning Area 1; Serenity residential neighborhood in proposed Planning Area 4; Lake Elsinore Motocross facility in proposed Planning Area 2; Skylark Airport and minimal commercial development in proposed Planning Area 3; and sparse residential development in proposed Planning Area 8. Existing development was analyzed as part of the baseline conditions that include the following:

- 325 low-rise apartment dwelling units;
- 911 single-family housing dwelling units;
- 169 acres of golf club;
- 535 acres of open space;
- 243 acres of active recreation space (inclusive of the Lake Elsinore Motocross facility);
- 5.5 acres of city park; and
- Skylark Airport.

Table 5.9-1 shows the existing land uses and Development in the ELSP, by Planning Area.

Table 5.9-1. Existing Land Uses and Adopted Development Targets by Planning Area

6-2 cont.

Planning Area	Land Use Type	Existing/Baseline Development	Adopted Specific Plan Development Totals	
			Total	Units
Planning Area 1 (707.5 Acres)	Golf Course (18 Hole)	169 AC	169 AC	--
	Hotel	--	--	90 RM
	Single-Family Residential (Summerly)	600 DU	--	1,979 DU
	Preservation/Mitigation	100.43 AC	--	100.43 AC
Planning Area 2 (310.6 Acres)	Action Sport 1 (e.g. Motocross)	93 AC	0	--
	Commercial	--	392,040 SF (30 AC)	--
	Multi-Family Residential	--	--	1,301 DU
	Single-Family Residential	--	--	930 DU
	Park	--	7.5 AC	--
Planning Area 3 (603.7 Acres)	Skylark Airport	150 AC	150 AC	--
	Multi-Family Residential	--	--	48 DU
	Single-Family Residential	--	--	215 DU
	Active Open Space	--	186.6	--
Planning Area 4 (98.2 Acres)	Residential (Serenity)	311 DU	--	311 DU
	Park	5.5	5.5	--
	Preservation/Mitigation	11.73	11.73	--
Planning Area 5 (422.6 Acres)	Preservation/Mitigation	422.6 Ac	422.6 AC	--
Planning Area 6 (425.2 Acres)	Commercial	--	818,928 SF	--
	Multi-Family Residential	--	--	0 DU

Grant Taylor

From: menavint <menavint@verizon.net>
Sent: Wednesday, May 03, 2017 1:01 PM
To: Grant Taylor
Subject: Re: East Lake Development Agreement

Grant:

Thanks for following up on his issue. If you read the 2.7.2 Development Agreement statement, last sentence. "The City agrees to permit the master Developer or its successors to develop the property based on the Specific Plan while the land owner agrees to commit to the construction or development of specific public improvements, facilities and services???.

As a matter of record, the current ELSP Amendment No.11 document does not provide enough specific detail regarding Specific Public Improvements, Facilities and Services to determine just how these conditions might encumber private property.

6-3 Question: If the City of Lake Elsinore has disposed of the original Development Agreement policy for the ELSP and not implemented a companion Development Agreement for the remaining lands within the ELSP, then it appears that there would be no protection provided for the Individual Successor Developers and Property Owners concerning the construction and development of public improvements, facilities and services on, over and or under their private property as well as any and all other ELSP lands. How will this issue be addressed. ???

We have reason to believe that if we as individual property owners are required to commit to conditions expressed by this statement then there must be a valid Development Agreement covering the entire ELSP, which protects the City, Successor and Individual Developers and Property Owners based on the original protections provided to the City, Master developers or Successors and the Property Owners. Simply put if you require property owners to commit to these conditions, then a method to protect these conditions prior to any development should be in place and not after the fact.

If we do not ask questions we will never receive an answer.

Paul

PS We will all be there tonight

-----Original Message-----
From: Grant Taylor <gtaylor@Lake-Elsinore.org>
To: menavint <menavint@verizon.net>
Sent: Wed, May 3, 2017 11:39 am
Subject: RE: East Lake Development Agreement

Fair questions Paul. I will ask the City Attorney.

Grant Taylor
Director of Community Development
City of Lake Elsinore
PH:(951) 674-3124, 270

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FIRST OPERATING MEMORANDUM OF UNDERSTANDING

THIS FIRST OPERATING MEMORANDUM OF UNDERSTANDING ("**Memorandum**" or "**First OMOU**") is made this 23 day of November, 2010 ("**Effective Date**"), by and between the City of Lake Elsinore ("**City**"), a California municipal corporation and McMillin Summerly, LLC, a Delaware limited liability company ("**McMillin**").

RECITALS

The City and McMillin have entered into this Memorandum with reference to the following:

A. On June 8, 1993, the City Council of the City adopted Ordinance No. 955 approving and adopting the East Lake Specific Plan covering approximately 3,000 acres of property as further described therein, a portion of which includes approximately 706.72 acres of real property currently held by McMillin ("**Developer Property**"). The East Lake Specific Plan was thereafter amended on several occasions, and most recently the City Council on August 24, 2004 adopted Ordinance No. 1126 approving the East Lake Specific Plan Amendment 6 ("SPA 6") covering the Developer Property.

B. On May 25, 1993, the Redevelopment Agency of the City of Lake Elsinore ("**Agency**") and Eastlake Community Builders entered into that certain disposition and development agreement covering approximately 3,000 acres of real the property within the boundaries of the East Lake Specific Plan, including the Developer Property.

C. On June 24, 1993, the City and Eastlake Community Builders entered into that certain Development Agreement between the City of Lake Elsinore and Eastlake Community Builders recorded on July 26, 1993 as Instrument No. 285752 of the Official Records of Riverside County ("**Original Agreement**") covering approximately 3,000 acres of real property within the East Lake Specific Plan of which the Developer Property was a part.

D. On June 21, 1996, Agency and Eastlake Community Builders entered into that certain First Amended and Restated Disposition and Development Agreement covering approximately 3,000 acres of real the property within the boundaries of the East Lake Specific Plan, including the Developer Property.

E. On December 26, 2002, Agency , Laing-CP Lake Elsinore ("**Laing**"), and Civic Partners – Elsinore LLC ("**Civic**") entered into that certain Disposition and Development Agreement covering the property within the boundaries of the East Lake Specific Plan, including the Developer Property ("**DDA**").

F. On August 24, 2004, the City and Laing-CP Lake Elsinore (as a successor in interest to Eastlake Community Builders), entered into that certain First Amended and Restated Development Agreement Between the City of Lake Elsinore and Laing-CP Lake Elsinore LLC" which recorded on December 17, 2004 in the Official Records of Riverside County, California as Instrument No. 1001282 ("**First Amended Agreement**").

G. The First Amended Agreement terminated the portion of the Original Agreement applicable to all property other than the Developer Property and approved the First Amended Agreement as to development of a residential planned community, parks, a golf course and related infrastructure on the Developer Property ("**Summerly Project**").

H. On or about May 3, 2007, Laing secured financing for the Summerly Project from La Salle Bank National Association in excess of Seventy Million Dollars ($70,000,000) (the "**Construction Loans**") and commenced development on the Developer Property. La Salle Bank and the Construction Loans were subsequently acquired by Bank of America (the "**Construction Lender**").

I. Beginning in late 2007, development plans for the Developer Property began to unravel with the onset of illiquidity in the nation's financial markets culminating in the historic worldwide, economic crisis which struck the nation's financial institutions in September 2008 severely and specifically impacting residential development markets. Those events, beyond the control of the City and Laing, brought development of the Developer Property to a standstill.

J. In May 2008, despite substantial progress and investment in project improvements to the Developer Property, the Construction Lender terminated further funding for development of the Developer Property and in fact required substantial deleveraging payments by Laing.

K. In November 2008, Laing's related development affiliate, WL Summerly LLC, failed to make the requisite loan payment to Construction Lender. In February 2009, WL Homes, LLC, the managing member of Laing and the guarantor of the Construction Loans, filed for bankruptcy. The Construction Lender foreclosed on the Developer Property, a portion of which was foreclosed upon in July 2009 and the remaining portion in September 2009. Trustee's deeds were issued to Construction Lender as a result of the foreclosures, and Construction Lender became the successor in interest to Laing with respect to the Developer Property.

L. In June 2010, McMillin acquired the Developer Property from the Construction Lender. Accordingly, McMillin is the successor in interest to Laing with respect to the Developer Property, and is the assignee of all of Laing's right, title and interest in the First Amended Agreement and the DDA.

M. Because the DDA is an integral part of financing for the development of the Developer Property and the Summerly Project, the City, the Agency, Civic and McMillin have been engaged in active negotiations for several months to amend the DDA in order to implement necessary modifications ensuring the economic viability of the Summerly Project.

N. Section 12.4 of the First Amended Agreement provides that "refinements and further development of the Project may demonstrate that changes are appropriate with respect to the details and performance of the parties .... If and when the parties find that changes or adjustments or other implementations are necessary or appropriate, they shall, unless otherwise required by law, effectuate such changes or adjustments through administrative amendments approved by the City Manager ... ." The parties to the First Amended Agreement, and their

successors and assigns, acknowledge that the matters set forth in this First OMOU are within the scope and contemplation of Section 12.4 of the First Amended Agreement.

O. As defined in the First Amended Agreement, the "Initial Term" of that agreement is 10 years from the Effective Date of the First Amended Agreement. The Effective Date of the First Amended Agreement was August 24, 2004.

P. Section 19.3 of the First Amended Agreement provides for "Force Majeure" delays and provides that "[i]f any such event shall occur, the term of this First Amended Agreement and the time for performance by Developer of any of its obligations hereunder or pursuant to the Development Plan shall be extended by the period of time that such events prevent construction of the Project."

Q. The aforementioned cascade of events created a specific, rather than general, market condition that was beyond the control of the City, Laing and McMillin and prevented construction of the Summerly Project such that extending the time period to complete the development is necessitated under Section 19.3 of the First Amended Agreement.

NOW, THEREFORE, the City and McMillin do hereby set forth the following operating clarifications and understandings pertaining to the performance of the First Amended Agreement and hereby agree to be bound by the following terms:

1. **Initial Term of First Amended Agreement**. The City acknowledges that due to the circumstances set forth in the Recitals, McMillin is entitled to a thirty (30) month tolling of the Initial Term as provided in the First Amended Agreement. Accordingly, by this First OMOU, the City acknowledges that, in giving effect to such tolling, the Initial Term of the First Amended Agreement as to the Summerly Project shall expire on February 24, 2017 unless automatically extended as provided in the First Amended Agreement, with all such extensions, if any, being calculated from the expiration of the Initial Term after giving effect to the tolling and without regard to the Effective Date of the First Amended Agreement. The City further acknowledges that this thirty (30) month tolling of the Initial Term does not constitute an amendment of the First Amended Agreement under Government Code Section 65868.

2. **Addendum to First Amended Agreement**. Upon execution of this First OMOU, pursuant to Section 12.4 of the First Amended Agreement, this First OMOU shall be attached as an Addendum to the First Amended Agreement and incorporated therein in its entirety, and except as modified and clarified hereby, the First Amended Agreement remains unchanged and in full force and effect.

3. **Estoppel**. The City and McMillin each acknowledge and represent that: (i) the First Amended Agreement has been duly approved, executed and recorded by the City; (ii) the First Amended Agreement is in full force and effect; (iii) the obligations of the City and McMillin under the First Amended Agreement are valid and binding; (iv) other than as set forth in the First OMOU, there have been no modifications, amendments, or additions to the First Amended Agreement; (v) there exists no breach, default, or event or condition which would constitute a breach or default under the First Amended Agreement; (vi) there are no existing claims, defenses or offsets which would suspend performance obligations under the First

Amended Agreement by either the City or McMillin; and (vii) the First Amended Agreement, and the operating clarifications and understandings pertaining to the performance of the First Amended Agreement in the First OMOU, constitute the entire agreement between the City and McMillin with respect to the vesting of development rights for the Summerly Project.

4. **Authority**. Each of the signatories to this Memorandum represent and warrant, each to the other, that they have full power and authority to execute this Memorandum and to bind the parties to the provisions of this Memorandum.

5. **Counterparts**. This Memorandum, including the signature pages hereof, may be executed in counterparts, each of which is deemed to be an original, and all of which shall constitute one and the same Memorandum.

IN WITNESS WHEREOF, the City and McMillin have executed this Memorandum as of the dates set forth below.

CITY OF LAKE ELSINORE,
a California municipal corporation

Date: 11/23/10

By: _____
Robert A. Brady
Its: City Manager

ATTEST

_____
Carol Cowley, Interim City Clerk

APPROVED AS TO FORM:

_____
Barbara Zeid Leibold
City Attorney

MCMILLIN SUMMERLY, LLC, a Delaware limited liability company

Date: _____

By: McMillin Real Estate Services, L.P.
a California limited partnership

Its: Administrative Manager

By: MCM Real Estate Group, Inc.
a California corporation

Its: General Partner

By: _____

Its: _____

By: _____

Its: _____

-5-

IN WITNESS WHEREOF, the City and McMillin have executed this Memorandum as of the dates set forth below.

CITY OF LAKE ELSINORE,
a California municipal corporation

Date: _____

By: _____
Robert A. Brady
Its: City Manager

ATTEST

_____
Carol Cowley, Interim City Clerk

APPROVED AS TO FORM

_____
Barbara Zeid Leibold
City Attorney

MCMILLIN SUMMERLY, LLC, a Delaware limited liability company

Date: 11-23-10

By: McMillin Real Estate Services, L.P.
a California limited partnership

Its: Administrative Manager

By: MCM Real Estate Group, Inc.
a California corporation

Its: General Partner

By: Jeff V. Brazel
Its: Senior Vice President

By: _____
Its: SVP

-5-

Letter 6
Page 11 of 12

CALIFORNIA ALL PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On November 23, 2010, before me, Ann M. Futo, Notary Public, personally appeared Brian J. Milich and Jeff V. Brazel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ann M. Futo

ANN M. FUTO
Commission # 1832730
Notary Public - California
San Diego County
My Comm. Expires Jan 23, 2013

This area for official notarial seal

Notary Form 2008

Letter 6
Page 12 of 12

Grant Taylor

From: menavint <menavint@verizon.net>
Sent: Thursday, April 27, 2017 1:02 AM
To: Grant Taylor
Subject: ELSP amendment issues.

Grant:

After reviewing the draft ELSP amendment No.11, I can without question advise you that the statements about PA3 regarding the Airport land uses are incorrect, resulting in an inappropriate assessment of the approved land uses for the ALUA area 100 of which we are the majority property owner. Based on established, approved and recorded parcel merger documents there is no question that the assumption that the PA 3 illustration is correct or the text concerning land uses approved for the site reflects the actual land use conditions for the site, and does in fact gives us reason to believe, based on appropriate academic and legal opinion, by virtue of the specific omissions and or anomalies render that portion of the ELSP Amendment, without merit and subject to inaccurate assessment of the approved land uses.

Since as the Engineer of record, the property owner and Senior Trust Administrator in principal for this property, I have first hand documentation regarding the approved parcel merger 01-04 approved 12-5-01 which merged contiguous property with the approved residential land uses within the existing East Lake specific Plan into the ALUA area 100. This occurred over 15 years ago and is the only approved land uses document for the property in question and clearly identifies the approved land uses which are clearly identified in the existing East Lake Specific Plan.

6-4 Make no mistake I do not offer this information lightly, and I offer it in response to an obviously inaccurate statement concerning land uses provided within the text of the PA3 description provided within the text of the ELSP Amendment No.11, which as currently written denies us the approved land uses and attendant property rights for the property. According to existing regulations the City of Lake Elsinore must at least be accurate in whatever land use regulations they intend to implement in any Specific Plan Document.

I wish to reiterate our willingness to assist the City of Lake Elsinore in preparing an appropriate document which has such far reaching implications concerning Land uses in the Lake Elsinore Back basin and stand ready to defend our position based on the existing land use approvals for our property.

I must assume that the persons responsible for the content of the text for Amendment No. 11 of the ELSP, were either not provided with accurate information or denied access to documents regarding the approved land uses for our property in question, in this case ALUA Area 100 which is still in full force and effect and shall remain so after the approval of the proposed ELSP Amendment 3.

As a matter of record, we are not the enemy in this case and are only providing this information to advise you that we have been advised that the Proposed East Lake Specific Plan Amendment No. 11, as written lacks technical accuracy, and denies us our legitimate property rights, which if not addressed, could become an actionable offense. So as the saying goes "Do Not Shoot The Messenger."

If you have any questions just let me know.

Paul Pribble
Senior Trust Administrator
Pribble Family Trust
I

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Response to Comment 6

Paul Pribble

6-1. The commenter states that he disagrees with the land use designations proposed for proposed Planning Area 3 of East Lake Specific Plan Amendment No. 11 (ELSPA No. 11). He bases his opinion upon the documents attached to his letter. The commenter incorrectly attempts to support his interpretation by referencing an unidentified document from the City Attorney. This comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the Draft Environmental Impact Report (DEIR) are required.

6-2. This comment is a page from a letter addressed to Justin Kirk, City of Lake Elsinore Principal Planner, providing an interpretation of the land uses allowed on the commenter's property within the Airport Use Area as described in the East Lake Specific Plan adopted on June 8, 1993. A real estate consultant who was working with the commenter prepared the unsigned letter after meeting with Mr. Kirk in late 2015/early 2016. It does not address the proposed Project's land use regulations that would be applicable to the subject property. This comment also includes a page from a Draft of the ELSPA No. 11 DEIR Land Use and Planning section (DEIR Section 5.9). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

6-3. This comment is a May 3, 2017 e-mail from Paul Pribble to Grant Taylor, City of Lake Elsinore Community Development Director, regarding the status of the Development Agreement referenced in Section 2.7.2 of the original East Lake Specific Plan adopted on June 8, 1993. It also includes Mr. Pribble's questions and concerns regarding the specificity of the proposed ELSPA No. 11 document regarding public improvements, facilities and services and the commenter's concerns regarding whether there is protection to property owners concerning the construction and development of public improvements, facilities and services on, over and or under private property. The comment also includes a copy of the Memorandum of Understanding between the City and McMillin Summerly, LLC dated November 23, 2010. These comments are regarding the Draft ELSPA No. 11 and not the DEIR. These comments are acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

6-4. This comment is an April 27, 2017 e-mail from Paul Pribble to Grant Taylor questioning Draft ELSPA No. 11 language regarding the airport land uses described for proposed Planning Area 3. Based upon discussions with the commenter, the Draft ELSPA No. 11 language regarding airport land uses was revised prior to the completion of the DEIR and its circulation for public review. Therefore, this comment is no longer applicable.

These comments are acknowledged; however, they pertain to the provisions of the ELSPA No. 11 and are not concerned with the content or adequacy of the DEIR. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 7 – Leonard Leichnitz

Letter 7
Page 1 of 2

From: Leonard Leichnitz
To: Richard J. MacHott, LEED Green Assoc.
Cc: Grant Taylor; Leonard Leichnitz
Subject: Comments on ELSP #11 and request for meeting
Date: Thursday, May 18, 2017 6:35:20 PM

Richard:

Thank you for your presentation and discussion at the public workshop for this project. I gave you several comments at that meeting but thought a written follow up might be helpful. I also want to ask for a few minutes of your time.

1. **Set-backs for Mixed Use Overlay at Table 2-12**. As I expressed at the meeting, depending on how these are interpreted, they could significantly reduce the desirability of building detached versus attached housing in these zones. I strongly encourage that these set-backs provide incentives, rather than disincentives, for building detached housing.

For example, under Building Setbacks, Side - Adjacent to Residential Use, the chart says 15 foot minimum, 10 feet per story. Is this measured from house to house, or house to property line? There is a footnote 3 at "Building Setbacks" which has no corresponding note. However, in other charts, a similar footnote says "measured from edge of right of way" which suggests the setback is to the property line, which would create a 20 feet side-yard on EACH
7-1 side of the property line. Even if measured from residence-to-residence, 20 feet is far too wide to encourage detached housing. I could see this as reasonable buffer between apartment building or hotels and single family homes, but not among single family homes themselves. Was this the intent?

I think the answer may be that the intent is that for lot lines within the development, there is no mandatory minimum setback. (There is a line which says Zero side setbacks for internal property lines.) If this is case, maybe change chart to "Side - Adjacent to **Existing** Residential Use" and add similar Zero setback for internal lot lines under Rear Setbacks.

In addition to Side and Rear as addressed above, please re-examine all of the setbacks on Table 2-12 with same goal of making sure that these reasonable setbacks for commercial buildings, hotels, apartment buildings do not create unreasonable restrictions on small lot single family development. At least theoretically, the setbacks should be smaller than those at Tables 2-8 and 2-9, which are for low and medium residential zones in Summerly and Serenity, not greater. I believe this was Staff's intent and I want to make sure that the document reads that way.

2. **Drainage**. I am concerned that the document envisions massive capacity for new storm facilities denoted as E-1 and E-1-1 but provides little clarity on financing. Do you have any information about what sizing of facilities would be required to accommodate the capacity your textual description of capacity would require? Also, how can a particular property owner be assured that, if your dotted lines cross their property (and I cannot tell, by the way, whether they cross mine or not), they will not be stuck with the entire cost of that infrastructure while a
7-2 neighbor pays nothing? The text says that the City, owners and Wildomar will consider appropriate cost sharing, and perhaps that is the best we can hope for at this moment, but I am concerned about how those of us who want to move forward quickly not be able to proceed without prior creation of a financing mechanism or cost sharing formula. Perhaps back basin drainage should be in the City Infrastructure Plan in the same way Malaga and other back

Letter 7
Page 2 of 2

7-2 cont. basin circulation infrastructure is treated.

I hope you find these comments helpful.

7-3 In the meantime, and respecting the fact that you are undoubtedly very busy, would it be possible to set a meeting in the next few weeks with you personally? I found the public forum helpful but was not able to ask your views in more detail about how a particular product type might or might not fit within your vision for the Mixed Use concept. I would really appreciate just 15-30 minutes of your time.

I look forward to hearing from you.

--
Leonard Leichnitz
Lumos Communities
2618 San Miguel Dr. #503
Newport Beach, CA 92660
951 505-1502

Response to Comment Letter 7

Leonard Leichnitz

7-1. The commenter expressed concerns regarding the setbacks for the Mixed-Use Overlay set forth in Table 2-12 of the draft East Lake Specific Plan Amendment No. 11 (ELSPA No. 11) document presented at a public workshop held on May 3, 2017. The commenter was concerned that the setbacks would not accommodate the types of high density residential development permitted by the Mixed-Use Overlay. In response to these concerns, Table 2-12 was revised in order to clarify the setback requirements for the different types of development allowed in the Mixed-Use Overlay; however, there was no change in the maximum intensity of development allowed by the ELSPA No. 11 as analyzed by the Draft Environmental Impact Report (DEIR). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

7-2. The comment asks questions regarding the location and level of information regarding the financing of drainage infrastructure improvements described in the draft ELSPA No. 11. These comments are acknowledged; however, they pertain to the provisions of the ELSPA No. 11 and are not concerned with the content or adequacy of the EIR. In response to this comment, a notation was added to ELSPA No. 11 Figure 5-1 (Conceptual East Lake Master Drainage Plan) stating that "This figure identifies the general locations of the Master Drainage Plan facilities. Precise alignment of these facilities shall be determined through the City's Design Review Process." This notation reflects ELSPA No. 11, Section 5.5 Drainage Development Standard 1 that states, "The ELZMDP [East Lake Zone Master Drainage Plan] indicates the approximate location and sizing of drainage lines and facilities within the East Lake Specific Plan [boundary]. However, precise system layout and sizing shall be determined during tract map preparation, or at the earliest possible project design." There was no change in the maximum intensity of development allowed by the ELSPA No. 11 as analyzed by the DEIR. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

7-3. The comment requests a meeting to discuss a product type for the mixed-use designation. Staff met with the commenter to discuss these comments and to work out minor revisions to the ELSPA No. 11 setback standards for the Mixed-Use Overlay, as described above in the Response to Comment 7-1. These comments are acknowledged; however, they pertain to the provisions of the ELSPA No. 11 and are not concerned with the content or adequacy of the DEIR. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 8 – Department of Toxic Substance Control

Letter 8
Page 1 of 2

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

May 19, 2017

Mr. Richard J. MacHott
Planning Manager
City of Lake Elsinore
130 South Main Street
Lake Elsinore, California 92530
Rmachott@lake-elsinore.org

ENVIRONMENTAL IMPACT REPORT (EIR) EAST LAKE SPECIFIC PLAN AMENDMENT No. 11 PROJECT (SCH# 2016111029)

Dear Mr. MacHott:

Intro The Department of Toxic Substances Control (DTSC) has reviewed the subject document. The following project description is stated in the draft EIR: 'The existing East Lake Specific Plan (ELSP) is a guide for the development of approximately 2,950 acres at the southern end of the City of Lake Elsinore. Adjacent to both the southeasterly shore of Lake Elsinore and Diamond Stadium, it has become home to "Dream Extreme" active sports facilities such as skydiving, hang-gliding, motocross, as well as an 18-hole golf course, making the City of Lake Elsinore the "Action Sports Capital of the World".' The EIR further states, "In order to be responsive to changing market conditions, evolving lifestyle preferences and the specific needs of potential developers of future implementing development projects, the ELSPA No. 11 incorporates flexibility of uses in the final mix and intensity of development."

Based on the review of the EIR, DTSC has the following comments:

8-1 1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.

8-2 2. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).

Letter 8
Page 2 of 2

Mr. Richard J. MacHott
May 19, 2017
Page 2

8-3 3. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

If you have any questions regarding this letter, please contact me at (714) 484-5380 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,

Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program – Cypress

kl/sh/ja

cc: Governor's Office of Planning and Research (via e-mail)
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
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CEQA# 2016111029

Response to Comment Letter 8

Department of Toxic Substance Control (DTSC)

8-1. The commenter stated that the Draft Environmental Impact Report (DEIR) should determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substance and, if so, that proper investigation and remediation should be conducted. A Limited Environmental Site Assessment was performed on the East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11) site and a more focused Phase I Environmental Site Assessment was performed for the roadway and berm study areas. These reports are included as Appendix H of the DEIR. DEIR Section 5.7, Hazards and Hazardous Materials, provides a thorough discussion of this topic including a summary of the results of the environmental site assessments and includes mitigation measures (Section 5.7.9) that address all potential for release of or exposure to hazardous wastes and materials associated with the project. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

8-2. The commenter advised that the project may require an NPDES permit from the overseeing Regional Water Quality Control Board. Mitigation Measure HWQ-1 (DEIR Section 5.8.8) requires future implementing development projects obtain NPDES permits before City grading permits are issued. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

8-3. The commenter advised that if, during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented, including identifying investigation and remediation strategies and coordinating with the appropriate government agency to provide regulatory oversight.

A Limited Environmental Site Assessment was performed on the ELSPA site and a more focused Phase I Environmental Site Assessment was performed for the roadway and berm study areas. These reports are included as Appendix H of the DEIR. DEIR Section 5.7, Hazards and Hazardous Materials, provides a thorough discussion of this topic including a summary of the results of the environmental site assessments and includes mitigation measures (Section 5.7.9) that address all potential for release of or exposure to hazardous wastes and materials associated with the project. These reports studied the historic use of the subject property and concluded that there was little potential of soil and/or groundwater contamination. However, if soil and/or groundwater contamination is suspected during the grading and construction of implementing development projects, the developer(s) shall comply with all applicable State and federal laws and regulations. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 9 – Linda Ridenour

RECEIVED
MAY 26 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

East Lake Specific Plan
Amendment No. 11 Project

Draft April 14, 2017 #2016111029

9-1 My name is Linda Ridenour and I am responding as an individual to the City of Lake Elsinore's EIR.

9-2 I am concerned that this plan presents a "unique sporting experience"without considering all the developmental regulations. There have been a number of environmental changes since the original study in 1993. In the process of streamlining the developmental process to benefit the private sector, the public good may have been neglected.

9-3 In the original Amendment #1, approved on February 10, 1996, open space was increased. Amendment #2 increased to percentage of land allocated for wetlands mitigation and open space. This increase was nullified by Amendment #8 . Further Amendments #3 and #4 changes parcels from East Lake Specific Plan (ELSP) to Limited Industrial. Amendment #5 removed 77 acres from (ELSP) for the Water's Edge Specific (WESP). This removal of land changes the spirit and reduces the original document's concern for protecting public lands. The later amendment continued to reduce protected areas. The land grab Amendment #9 takes away 86.4 acres and 53 acres.

9-4 Figure 1-2 Vicinity Map
I will now discuss the use of Open Space, Circulation, Sewage and Solid Waste Disposal, Clean Air, Aesthetics, as well as Habitat Loss. As the past Vice President of Butterfield Trails, I will review the "Strong pedestrian connections" and how they join city-wide trails.

9-5 Figure 2.2
I do not agree that "flexible approach is in the publics best interest." Developers protect their bottom line at the expense of the city. This statement is subordinated by the waste of money caused by the recent Castle and Cook vote.

9-6 Item #2
Intensity of Development
This picture in the right hand corner of your document is an overview of another city and it concerns me. With the cost to produce this plan a view of the circulation area should be shown. This imply' s that a business with three

9-6 cont. stories on top reflects our city. Is this the Development Targets for which we are aiming? Will market demand create this type of development?

9-7 Item #2.2.1
How can the public review the planning areas when they have not been determined yet? The conceptual land uses must be reviewed before they are approved. A vision or target is not specific. The developer must pay the cost to improve the infrastructure before the project begins.

9-8 Item #2.4
I would like to review the mitigation for all areas. The public will need to review the plan before their health and safety is affected.
I would like to review the WQMP which is required by law. There should not be grading before this is done.

9-9 Where is the evidence of compliance with the Green Building Code and the Municipal Separate Storm Sewer Permit? These should be made available before the project begins.

9-10 The TUMF fees should be noted at the planning meeting. They should be paid before starting the Specific Plan Project.

9-11 If building is about to begin, I would like to read EIR #2016111029.

9-12 Have the developers funded the city's Implementation of Mitigation Monitoring and Reporting Program?

9-13 Item #2.5.4 Preservation/Mitigation
Lake Elsinore Inlet Channel is a preservation/mitigation area and should not be used for water sports. This use disturbs the animals which live and breed in this area. The vernal pool mitigation area was set aside to protect the sensitive plants as well as the Fairy Shrimp. The T shaped peninsula area is overrunning with boaters during the summer months. No attempt is made to provide biological habitats. This is a violation of the MSHCP. The same is true of the open space buffers. Plants and animals are destroyed by human intervention. The City will require a certain percentage of its acreage to be developed in the 770 acre open space area for flood control. This does not protect the plants and animals that live there. This area is to be protected. How much is in the endowment from previous development? When were the invasive species removed?

9-14 Item #2.5.6.1 Airport Overlay
When I came to visit Grandpa and Grandma for my two week summer stay, My dad flew me into the Lake Elsinore Airport. I have fond memories of these trips. I would like to see the specific overlay plans for the airport. If we are the Dream Extreme team, what will happen to the recreational components if the airport owner does not give permission for skydiving, etc.

9-15 Item #2.5.7 Mixed Use Overlay
As a past officer of the Lake Elsinore Historical Society, I am interested in learning about historic land uses.

9-16 Item #3 Planning Area Standards
I am pleased to see that a six foot Class II bike lane, as well as, a five foot side walk for pedestrians will be included in all areas.

9-17 I would like more specific information on the "biological habitat functions".

9-18 Vehicular Circulation
According to Supervisor Kevin Jefferies in "Kevin's Corner" our roads and freeways are above maximum capacity. If more homes are added without a specific traffic impact analysis, driving to our recreational areas will be impossible. Commuters will spend more time and anxiety working their way to the stores, churches, and work.

9-19 Looking at the legend 3-1 I have detailed questions. 1.) Where is the specific information about the two lane traffic designation for the 611 single family detached dwelling unites? There is no correlation to the map for the four lane road called Cereal St. The mitigation area is next to it. This also is a violation of the mitigation areas, as well as the circulation design. 2.) 2.5.4 does not have sufficient information. It does not mention area Fig. 3-1. Two sentences does not provide enough detail for such a large area. 3.) The 25 acre San Jacinto River corridor consisting of ten acres, does not qualify as a preservation/mitigation area.

9-20 Vehicular Circulation
There are not enough roads to handle the increased cars, trucks, etc. on days when the Stadium is in use. When housing units are built there must be two exits to the main roads.

9-21 Land Use Transitions
I need to see the document showing the biological habitat functions. What plants and animals are located within the mitigation areas? I need to see the

9-21 cont. conservation and management plans for all areas within the MSHC areas.

9-22 I would like more information on the water treatment plan.

Item #3.3 Planning Area 2

9-23 With the number of closed businesses I see as I drive through the city of Lake Elsinore I question building more commercial buildings. The city council should be presented with the current data on the decline of brick and morter businesses.

9-24 I do not find Olive St. and Victorian Lane in Figure 3-2 of Planning Area 2. This figure must be redone with the information that correlates with the writing in the report.

Item #3.4 Planning Area 3

9-25 Figure 3-3 of Planning Area 3 does not show Mentor Aviation Facility or Skylark Airfield. There is only one airport overlay. If this land is used additional airport facilities, a new EIR is needed, as well as, an updated flight plan to protect the birds, bats, etc. from collision with aircraft.

9-26 Where is the traffic data to show where Stoneman St. enters Grand Ave? What is the estimate of the number of vehicles using Stoneman to exit onto Grand? What improvements need to be completed and who shall pay for them?

Item #3.5 Planning Area 4

9-27 I am pleased to seethe improvements in the park. Whenwe drive by we see the residents using this area.

Vehicular Circulation

9-28 I would like to see the current circulating plans and improvements to Palomar St. , Union St. and and Skylark Drive as they connect to Grand Ave. These studies must be completed before any homes can be built.

9-29 Figure 3-4 does not show where these roads will be built. Also, I do not find the regional trail in blue or the community trail in red.

Item #3.6 Planning Area 5

9-30 How is the motor boat noise going to be reduced in Planning Area 5?

9-31 The Figure 3-5 has two blue areas marked. One is a trail and the other is a four lane highway. Shouldn't these have a color change? Where is Murrieta Creek Trail?

9-32 Planning Area 6

9-32 cont. Where are the access roads, Malaga St. and Cereal Street? Also, is not the brown active recreation while the green is a mitigation area?

9-33 Item #3.7.1
Is the description of Planning Area 6 here? Your discussions of Panning Areas 7 and 8 are on the wrong page, don't you think?

9-34 Item #4 Circulation
Where are the bridges and culverts on this map?

9-35 I would like to see native vegetation in the landscaped medians.

9-36 Restricted local streets should be viewed by concerned citizens who make the effort to read this document. We should be notified so we have our 15 days to respond.

9-37 Item #4.5.3
As I am writing this response there is an earthquake happening in Big Bear. Has a complete earthquake study been done for each planning area? Are the circulation routes designed to allow people to evacuate these areas?

9-38 Figure 4-24 Trails Plan
This plan has several errors. As a former Vice President of Butterfield Trails, there is no Community Trail going on Grand Ave. to Akley St. There is no trail on Landerville Blvd., Hays St., etc. and on all the other red lines.

9-39 Item #5 Drainage
Please produce the document which allows the Multi-Species Habitat Corridor to be used as a drainage area. How will the disruption of plants and animals be mitigated?

9-40 Where is the data from the city facilities? I would especially like to review the storm drain system associated with Tract 30846 development. The 100 year peak discharge into the back basin will have a significant impact. I would like to review the City of Wildomar's data. Where are the agreements for the discharge of their runoff into the lake and back basin?

9-41 When will the line D channel be removed?

9-42 Line E-2 is already causing unsafe driving conditions on Corydon Road. This area must be corrected before the Specific Plan implemented. Traffic exiting onto Grand Ave. and continuing onto Corydon Rd. will be exposed to these unsafe conditions.

9-43 Line E-D
Before an area can be graded, in an open space it will need to have an environmental review. Knowing ahead of time this area should not be counted as open space.

9-44 Item #5.2 Water Quality
Figure 5-1 There is not a solid blue area. Where will the detention basins be located? The pink area is labeled "Lake", however this is the area for houses.This figure should be done again and checked for accuracy.

9-45 Where does the existing Serenity Drainage channel feed into?

9-46 Item #5.3 Planning area one
I do not see in the Fig. 5-1 what the storm drain runoff discharges into. You have put quotation marks around water quality natural treatment systems basins. From where was this quotation taken? How much discharge will be added to the open space portion of the project area?

9-47 I would like to see the document from Fish and Wildlife which allows the city of Lake Elsinore to grade in an open space. Where are the FEMA documents from the map revisions?

9-48 Item #5.5 Drainage Development Standards
1.The public should be able to comment on the Tract Map.
9-49 2.Who approves the drain age improvements?
9-50 4.Drainage easements should be underground.
9-51 6.What types of plants and animals do we expect to find in the open space?
9-52 7.Do you have storage values which have been submitted to the Army Corp of Engineers, as well as EVMWD?

9-53 Item# C and D
I am happy to hear that the landscape plan will include water retention and runoff.

9-54 Item #F
Full capture trash devices will improve water quality.

9-55 Item #11
I thinks its a great idea to require porous pavements. I have read that they help replace water into the aquifers. Not to mention reduce the runoff.

9-56 Item #6.2 Water

9-56 cont. I am pleased to hear about the bypass pipe from EVMWD treatment plant to this project.

Item #9 Sustainability Plan
9-57 Preserving open space and biological resources are a primary concern of mine. Figure 9.1.2.5 does not show the CEQA data which is necessary to build on these properties. Where are the documents from the County of Riverside and the U.S. Fish and Wildlife Service?

Item #9.1.2.6 Public Health

9-58 This report has been deficient in the area of air quality. I would like to see the AQMD data. Increasing homes and commercial buildings will cause our air to become more polluted.

Item #10.4 Specific Plan Amendments

9-59 This report needs to show the circulations plan for Skylark and Stonemen Streets onto Grand Ave. Also, this report does not show the location of several
9-60 endangered species and how they will be protected when building is approved.

Item #10.4.2.1
9-61 While reading this section, #6 says "a written justification of the proposed modification identifying the pertinent portions of the Specific Plan..." where are the pertinent plant and animal studies as required by the EIR? Where is the information on how the increases on vehicular traffic will harm our health? These are substantial studies that must be completed before a project is approved. These are not minor modifications.

Item #10.4.2.2
9-62 #2 this project, According to your information, will not adversely affect the public health and safety. I believe this document will adversely affect my family's health and safety.

Item #10.4.3 Specific Plan Interpretation
9-63 I find many uncertainties and ambiguity's in your data. When these are clarified, all members of the public who have written on this Specific Plan should be notified, not just a few. This will allow for transparency by the City.

Item # 10.7 CEQA Compliance
9-64 The EIR is not in Amendment No. 4. I cannot "evaluate the potential

environmental affects of the Eastlake Specific Plan without Amendment No.11"

9-64 cont. There is no Amendment No. 11. Therefore the Specific Plan must be recirculated. The City cannot streamline CEQA by leaving it out.To prevent destruction of plants and animals in the Specific Plan area, this part of the document must be completed. Without substantial review the CEQA document,

9-65 the City will not find new information. Was the Indian village with their burial sites shown in the EIR? Where are the vernal pools located? Will the Fairy

9-66 Shrimp be removed? Where is the Fish and Wildlife information? Will the Burrowing owls be relocated? These are but a few items that must be mitigated for.

9-67 I do not find an addendum to a previous EIR . "The decision making body must consider the addendum and find the EIR prior to making a decision on implementation of the project. Where is the addendum?

9-68 Item #11 Definitions
These are definitions not an EIR.

Appendix A

9-69 I cannot find the greenhouse gas emissions required by the City's Climate Action Plan.

9-70 A Traffic Management Plan is missing from the ELSP.

CF 6.5

9-71 The City must bring the roads of Skylark and Stoneman up to county standards. I have not seen a specific traffic study. Where are the mitigation measures? What are the daily traffic capacities for the new development?

CF 8.7

9-72 As a person with disabilities I am glad to see "all development within the ELSP area" will be accessible.

Chapter 3 Air Quality

9-73 I do not find the data for current AQIS. The current data is required by law before new building is approved.What are the mitigation measures to reduce air pollution? Where is the climate action plan? I need to find the projects

9-74 EIR. We have at least three faults in this area. Where are the minor zones of liquefaction?

9-75 My husband and I are the Neighborhood Watch Captains for Lakeland Village. We work closely with Mr. Brown. He is a wonderful volunteer team leader for

9-75 cont. Lake Elsinore.

Chapter 4 Biological Resources

9-76 I cannot find the EIR for the project. I would like to read the Regional Conservation Authority, State Department of Fish and Game, and the Army Corp. of Engineers reports. Please provide this data. I would also like to read the Western Riverside County Multi-species Habitat Conservation Plan specific to the project. What fees must be paid and how will this money benefit this area?

RP 1.1

9-77 I object that the city is in favor of the LEAPS project. As an intervenor I would like this information published. Also, what fees are you paying for this unwanted program? Would it not make more sense to require the builders of

9-78 new homes and businesses to include solar panels on all new buildings?

9-79 Where are the ELSP fees for the MSHCP going?

RP 1.4

I am glad there is a plan to revegetate with native plants.

RP 1.6

Why is this not applicable? I have read that ELSP will include the Murrieta Creek Trail.

RP 2.1

I would like to read which threatened or endangered species occur in the Specific area. Where are the U.S. Fish and Wildlife Service and /or the Ca. Fish and Game information?

9-80

RP 4.4

What is the 1998 North American Vertical Datum?

RP6

How will the cultural heritage be preserved? My husband and I followed the Native American tour of the back basin. Their remains are there.

RP 13.2

I agree that "night lighting" will be required to reduce excessive glare.

9-81 Item #5.3 Biological= Existing Conditions

9-81 cont. The MSHCP requirement is 770 acres. I do not see the improvement to Skylark St. and Stoneman St. listed. Also, the Biological Survey was "not conducted
9-82 during an appropriate time to observe many of the sensitive plant species." There are several plants listed in Appendix F, which could be found now. I do
9-83 not find the Travor-Domino Willows soil area listed on the maps. These legends are to small for my old eyes to read. I have seen burrowing owls, white pelicans, and loggerhead shrikes while walking on the levee. There are
9-84 lots of rabbits, lizards, snakes, and insects there also. The Coast Patched Nosed snake could loose habitat.

Bald Eagle Protection Act

9-85 I have seen several Bald Eagles living and nesting in the Lakeland Village area.I have several pictures taken of one pair.

Executive Order 11990 Protection of Wet-lands

9-86 Where is the compliance record with Section 404 Permit? Where is the
9-87 paperwork for the NPDES Permit?

Western Riverside County (MSHCP)

The plan seeks to conserve biological resources in "perpetuity". I did not find
9-88 the plan for long-term management. Where is the alternate land to be preserved? Where are the added lands located? How do I know paper MSHCP processing has been completed?

Vernal Pools
The critical habitat for the Riverside Fairy Shrimp will be lost. There are at
9-89 least three areas where these animals are found. How will you stop the impact to these animals? Draining these pools is not acceptable. You state in Bio-6 that they are absent. This is an incorrect statement.

Bio 8
9-90 The 6.08 acres of Southern Cottonwood Willow Riparian Forest would result in significant impact. How will this be mitigated?

9-91 Again Legend No.11 EIR is too small to read. I would like this map enlarged.

9-92 Where is the Projects Biological technical report? Where are the

9-92 cont. Determination of Biological Equivalent or Superior Preservation reports?

9-93 No. 11 EIR Noise study Report
I found the fundamentals of noise very interesting.

9-94 Item #3.1 Lake Elsinore General Plan
I kn ow that when development starts, construction noise limits will be enforced.

9-95 Item #3.3 CEQA
How will you mitigate the substantial permanent increase in ambient noise levels above what existed before the project started?

9-96 In Table 14 there are no numbers opposite Grand Ave.
The same is true in Table 15, 16,17, and 18.

In Table 19 there is no data from Stoneman St. north of Grand Ave. Also, where is the data for Skylark Street north of Grand Ave.?

Table 20
There is data from Stoneman St. north of Grand Ave.

LLR
MER

Response to Comment Letter 9

Linda Ridenour

9-1. The commenter introduces herself. Comment noted. No further response or action is necessary.

9-2. The comment expresses concern about the project with respect to the history of the East Lake Specific Plan area, private sector and public good. Comment noted. No further response or action is necessary.

9-3. The comment provides an editorialized summary of past ELSP Amendments It is noted that proposed Amendment No. 5 was not adopted and therefore did not remove property from the ELSP. Amendment No. 8 actually increased open space uses from 87.8 to 191.3 acres. Amendment No. 9, removed 51.7 acres of commercial development, the 19.0-acre stadium site, 8.2 acres of roads and 7.5 acres of open space from the ELSP and replaced it with the Diamond Specific Plan which included 6.8 acres of open space areas protecting sensitive habitat along the Inlet Channel. No further response or action is necessary.

9-4. The comment presents topics that the comment letter will address. This comment is noted; however, it does not pertain to the content or adequacy of the EIR. Therefore, no further response or action is necessary.

9-5. The comment disagrees with the flexibility provided in the ELSPA No. 11. This comment is noted; however, it does not pertain to the content or adequacy of the EIR. Therefore, no further response or action is necessary.

9-6. The commenter states that a photo on the cover of the Specific Plan is not taken in Lake Elsinore, and asks whether it reflects the type and intensity of development proposed. The photo shows an example of the type of development that may be development in the ELSP and not actual existing development within the ELSP. Development targets for the ELSP site, including maximum building heights and permitted uses, are provided in the ELSPA No. 11 and are summarized in Section 3.0 of the EIR. The proposed circulation element is depicted and discussed in Draft Environmental Impact Report (DEIR) Section 5.14. The comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

9-7. The comment requests the opportunity for the public to review planning areas, and that developers pay for infrastructure improvements before work begins. Planning Areas, proposed land uses and guidelines for future development within them are presented in the Specific Plan and Section 3.0 of the EIR. The Specific Plan, including the proposed Planning Areas, has been available for public review on the City's web site at http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-

amendment-no-11 since April 18, 2017. These land use changes and proposed backbone infrastructure improvements are the subject of public review under CEQA for this programmatic EIR. Section 5.15, Utilities, and Section 5.14, Transportation and Circulation, discuss infrastructure. Future implementing development projects would be developed in compliance with the City's municipal code and with CEQA as described in Section 10.7.2 of the ELSPA No. 11. Such future projects would be subject to City development fees and be required to construct and/or pay a fair-share contribution to fund new infrastructure during implementation. No further response or action is necessary.

9-8. The comment requests to review project mitigation and the Water Quality Management Plan (WQMP). The Specific Plan and EIR, which includes mitigation measures, have been available for public review and comment since April 18, 2017. A summary of this programmatic project's potential impacts, required mitigation measures, and level of significance with implementation of mitigation was provided in the Executive Summary, Table 1-4. Section 5.8, Hydrology and Water Quality discusses water quality. WQMPs are required of future implementing development projects in the ELSP site once proposed details of those projects are known; such as, proposed site plan design, amount of hardscape, design and sizing of onsite stormwater retention/treatment facilities, and type of development operations. These details would be required for a development-specific WQMP in order to appropriately plan for stormwater management and water quality pollution control. Approved WQMPs are required by law for all development projects of 1 acre or more, and must be reviewed and approved prior to the issuance of any grading or building permit issued by the City. No further response or action is necessary.

9-9. The comment requests evidence of compliance with the Green Building Code and the Municipal Separate Storm Sewer Permit. As described in Section 9.1.3 of the ELSPA No. 11, all development projects within the East Lake Specific Plan will comply with the applicable requirements of the Green Building Code, as implemented by Title 15 of the City of Lake Elsinore Municipal Code. As required in Section 2.4.1 of the ELSPA No. 11, prior to the issuance of any permit for construction, future implementing development projects shall provide evidence to the designated City Department of compliance with applicable provisions of the Municipal Separate Storm Sewer System (MS4) Permit or other applicable local, federal or state requirements for water quality management. Also, please see Section 5.8 of the EIR for more information on MS4 Permits.

9-10. The comment requests payment of TUMF fees before project commencement. As detailed in Section 2.4.1 of the ELSPA No. 11, project-wide-development requirement 18, the project proponent/developer(s) shall pay the TUMF in accordance with the fee schedule in effect at the time of issuance of a building permit, pursuant to Ordinance No. 1096; provided, however, that TUMF Fee credits may be provided in exchange for construction of regional road improvements consistent with the TUMF Program. Also, as discussed in the EIR, future implementing development projects in the ELSP would be required to participate in the construction of on- and off-site intersection and street segment improvements through payment of City of Lake Elsinore fees, participation in the Western Riverside County Transportation Uniform Mitigation Fees (TUMF) program, through a fair-share contribution to improve impacted road facilities, and/or through direct construction of new or improved road facilities.

Please see mitigation measure MM TC-2 for more information. No further response or action is necessary.

9-11. The comment requests the opportunity to read the project's EIR. The Specific Plan and EIR have been available for public review and comment since April 18, 2017, electronically on the City's website at http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-amendment-no-11 and in-person at the City of Lake Elsinore Community Development Department, the Altha Merrifield Memorial Library and the Vick Knight Community Library. No further response or action is necessary.

9-12. The comment asks whether developers have funded the City's implementation of the Mitigation Monitoring and Reporting Program (MMRP). Future implementing development projects will be reviewed by City staff for adherence to the MMRP for the ELSPA No. 11 as part of the City's design review process, which is required for all discretionary approvals in the City. During the review and approval of a future development project, the project will be conditioned to fund MMRP review and reporting activities throughout its various stages of construction.

9-13. The comment expresses concern regarding the Project's potential indirect impacts to existing preservation/mitigation areas. Section 5.3 of the EIR, Biological Resources, discusses the Project's compliance with the MSHCP 770 Plan, consistency with the MSHCP, as well as direct and indirect impacts to biological resources. The Proposed Land Use Plan, EIR Figure 3-4 depicts Preservation/Mitigation Areas that are intended to meet the preservation goals of the MSHCP under the 770 Plan. Please also note that EIR Figure 3-4 has been revised to include portions of the western shoreline/existing levee in Planning Areas 5 and 6 within the specific plan boundary, consistent with the current specific plan boundary. In response to public and agency comments, this additional area has been designated as a Preservation/Mitigation use. No further response or action is necessary.

9-14. The comment requests to see overlay plans for Skylark Airport and wonders what will happen to the airport if the owner does not give permission for skydiving. Please see Section 2.5.6 of the ELSPA No. 11, which describes the airport overlay in Planning Area 3. The proposed ELSPA No. 11 allows for private recreational airport operations at the existing site or relocation of the Airport. The property owner determines the use of their land in compliance with the regulations and standards addressed in the ELSPA No. 11.

9-15. The commenter is interested in learning about historic land uses. Section 5.4 of the EIR, entitled Cultural, Paleontological and Tribal Resources, includes a discussion of cultural resources within and in the vicinity of the ELSP site. No further response or action is necessary.

9-16. The comment approves of the Class II bike lane and five-foot sidewalk for pedestrians. The comment's support for this component of the Project is noted. No further response or action is necessary.

9-17. The comment seeks information about the biological habitat functions mentioned in Section 2.5.4 of the ELSPA No. 11. The existing environmental setting and conditions for the ELSP site, including the preservation/mitigation areas discussed in Section 2.5.4 of the ELSPA No. 11 are provided in Section 5.3 of the EIR, which covers biological resources. EIR Section 5.3 provides a summary of technical analysis prepared in EIR Appendix F, *Biological Technical Report for the East Lake Specific Plan Amendment No.* 11, which is available for public review on the City's website. No further response or action is necessary.

9-18. The comment expresses concern about the traffic impacts caused by the addition of more homes. Section 5.14 of the EIR, Transportation and Circulation, addresses traffic impacts and includes the findings and recommendations of a Traffic Impact Analysis technical report prepared for the project, which is included as Appendix K of the EIR. It should also be noted that the Project site is already approved for predominantly residential land use development under the existing adopted ELSP, which is the type of land use most closely associated with the comment's concerns. The proposed Project would reduce the amount of allowable residential and commercial uses at the Project site, and replaced with predominantly sports and recreation-oriented uses. Please see EIR Table 7-2 for a comparison of development already approved under the existing adopted specific plan and proposed development targets under ELSPA No. 11.

9-19. The comment has questions about the legend in Figure 3-1 of the Specific Plan with respect to circulation. ELSPA No. 11 Figure 3.1 depicts circulation details within Planning Area 1 only. Details on the overall proposed circulation system are depicted in ELSPA No. 11 Figure 4.1 and in the EIR Figures 5.9-1 and 5.14-1. The comment also includes additional opinions on circulation and preservation/mitigation areas. The comment is acknowledged; however, please note that the ELSPA No. 11 document is the proposed Project and that the EIR is a separate document that contains the analysis of the proposed Project's potential impacts on the environment. The analysis related to circulation and biological resources is located in the EIR document Sections 5.3 and 5.14, respectively.

9-20. The comment questions the adequacy of roads to handle traffic from Diamond Stadium, a facility outside the scope of the current EIR. Nonetheless, the Project's Traffic Impact Assessment as summarized in EIR Section 5.14 took current traffic data counts to capture existing baseline conditions. Please see response to Comment 9-10 and 9-18 for additional discussion on proposed reductions in residential development and roadway infrastructure improvement responsibilities of future implementing development projects. The ELSPA No. 11 Circulation Plan is designed with several points of access/exit from/to surrounding major and urban arterial roadways. No further response or action is necessary.

9-21. The comment requests information on biological habitat functions, the location of plants and animals, and conservation and management plans for the MSHCP area. These are discussed in the EIR, in Section 5.3, Biological Resources as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR. No further response or action is necessary.

9-22. The comment requests information on the water treatment plan. Water quality is addressed in the EIR, Section 5.8, Hydrology and Water Quality. Please see response to comment 9-8 related to WQMPs for future implementing development projects. No further response or action is necessary.

9-23. The comment questions the amount of commercial uses allowed in the ELSPA No. 11 and requests that the City Council be provided with data on the decline of brick and mortar businesses. The comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

9-24. The comment requests that Figure 3-2 of the Specific Plan include Olive Street and Victoria Lane. Olive Street and Victorian Lane are both shown on ELSPA No. 11 Figure 3-2. Olive Street is shown as a "Major" street in blue, connecting Mission Trail with Interstate 15; Victorian Lane is labeled on the Figure and appears below Vine Street and east of Mission Trail. ELSPA No. 11 Figure 3-2 will be revised to better label Olive Street. Victorian Lane is already labeled on the figure. No further response or action is necessary.

9-25. The comment states that Figure 3-3 of the ELSPA No. 11 does not include Mentor Aviation Facility or Skylark Airfield. These are existing uses within the ELSP site, which have been accounted for as part of the environmental baseline in the DEIR. As described in Section 10.1.2 of the ELSPA No. 11, Non-Conforming Uses, any legally existing uses, buildings, or other structures which are made non-conforming by establishment of the Specific Plan shall be deemed to be legal, non-conforming uses or structures and may continue to exist. Legal, non-conforming uses and/or structures are subject to the "Nonconforming Uses" provisions of the Lake Elsinore Municipal Code.

The comment also requests further environmental review and a new flight plan for additional airport facilities. Future airport facilities within the Airport Overlay will be required to comply with FAA regulations and with CEQA. See mitigation measures MM HAZ-3, MM HAZ-4, and MM NOI-2 through MM NOI-5 for measures specifically related to the relocation of the Skylark Airport and/or future implementing development projects within the East Lake Specific Plan and Skylark Airport Influence Area. No further response or action is necessary.

9-26. The comment requests information on the Stoneman Street/Grand Avenue intersection, identified as Key Study Intersection 22. Potential impacts to this intersection are discussed in the EIR in Section 5.14, Transportation and Circulation. Proposed mitigation for impacted roadway facilities is described in mitigation measure MM TC-2. No further response or action is necessary.

9-27. The commenter approves of park improvements in Planning Area 4. The comment is noted; however, given this comment does not relate to the content or adequacy of the EIR, no further response or action is necessary.

9-28. The comment requests information on improvements to Palomar Street, Union Street and Skylark Drive as they connect to Grand Avenue. The TIA prepared for this Project evaluated the operating conditions at twenty-three existing and seven future key study intersections, as well as

twenty-six existing and six future key roadway segments within the Project vicinity, modeled the trip generation potential of the Project and forecasted existing and future (Phase I near-term Year 2022 and Phase II long-term Year 2040) operating conditions without and with the Project. Figure 5.14-1 of the EIR shows the roadways and intersections analyzed as part of the TIA. No further response or action is necessary.

9-29. The comment requests that Figure 3-4 of the Specific Plan contain more detail on trails and roadways. The regional trail and community trail shown in Figure 3-4 are proposed trails, not existing trails, located on Grand Avenue and a small crossing on Stoneman. The Trails Plan, Figure 4-24 details these proposed trails and their connections to the entire network system of trails within the City. Roadways adjacent to Planning Area 4 are detailed in the Circulation Plan, Figure 4.1. ELSPA No. 11 Figures 3-4 and 4-1 shall be amended to better label Palomar Street, Union Street and Skylark Drive. No further response or action is necessary.

9-30. The comment refers to boat noise in Planning Area 5. The existing noise environment is discussed in Section 5.10 of the EIR. Existing boat noise from the Lake, however, is not an impact of the proposed ELSPA No 11, which is a land use Project. The existing land use in Planning Area 5 is proposed to remain. No further response or action is necessary.

9-31. The comment questions the use of blue color to depict both the Regional Trail and Major roadway. This comment is noted and ELSPA No. 11 Figure 2-5 has been revised to better differentiate the two. The Murrieta Creek trail is depicted on ELSPA No. 11 Figure 4-24 and DEIR Figure 5.9-3.

9-32. The comment asks where Malaga Street and Cereal Street access roads are located on Figure 3-6 of the Specific Plan. Proposed access roads to PA-6 are shown in blue in ELSPA No. 11 Figure 4.1 and DEIR Figure 5.9-1. Brown areas are designated as Active Recreation, Tourism, Commercial, and Transition Areas, which are described in Section 2.5.2 of the ELSPA No. 11.

9-33. The comment asks if the descriptions for Planning Areas 6, 7 and 8 occur on the correct page of the ELSPA No. 11. Figure 3-6 showing Planning Area 6 is located at the end of the ELSPA No. 11 description of Planning Area 6. This places the figure opposite the beginning of the description of Planning Area 7 in the bound version of the Specific Plan. The City has verified the descriptions for these planning areas are appropriately in sequence.

9-34. The comment asks where the bridges and culverts are located. The Circulation Plan, Figure 4-1, shows conceptual alignments of future roadways in the ELSP site. Culverts and bridges, as needed, would be designed during preliminary and final design of these roadway projects closer to their implementation to accommodate drainage and wildlife movement. As shown on Figure 4-1, there is a future bridge proposed on Lucerne Street to span Planning Area 7 and connect to Lakeshore Drive.

9-35. The comment would like to see native vegetation in the landscaped medians. Comment noted. As discussed in Section 9.1.2.4 of the ELSPA No. 11, landscaping will consist of native species selected for water-efficient characteristics and will include drought tolerant planting materials common to the region.

9-36. The comment states that restricted local streets should be viewed by concerned citizens, and that they should be notified so they have 15 days to respond. Restricted local streets, as well as other components of future implementing development projects, would be subject to CEQA as described in Section 10.7.2 of the ELSPA No. 11.

9-37. The comment questions whether earthquake studies were done and emergency evacuation routes designed. The EIR addresses the project's susceptibility to seismic events in Section 5.5, Geology, Soils and Seismicity. In addition, mitigation measure MM GEO-1 requires that prior to approval of future implementing development projects within the ELSP, a geotechnical engineering investigation shall be prepared by a California registered geologist or Certified engineering geologist and submitted to the Engineering Department. Said report shall contain the detailed soil, foundation, and seismic design parameters to be used in the project design. As discussed in Section 5.7 of the EIR, Hazards and Hazardous Materials, the project would not impair or interfere with the implementation of emergency response or emergency evacuation plans. The Project site falls under the purview of the City's Emergency Preparedness Plan, which outlines response strategies and tactics for a wide range of emergencies. New development and temporary construction activities would be required to comply with all applicable fire code requirements, and reviewed to ensure that adequate emergency access would be maintained.

9-38. The comment states that there are errors on Figure 4-24 of the Specific Plan, which shows the general locations of existing and proposed trails. Specifically, the comment states "there is no Community Trail going on Grand Ave. to Akley St. There is no trail on Landerville Blvd., Hays St., etc." Several of these facilities are proposed and are not yet constructed and/or are open for public use.

9-39. The comment requests documentation which "allows the Multi-Species Habitat Corridor to be used as a drainage area." Analysis related to MSHCP consistency, biological resources, and related mitigation measures are provided in Section 5.3 of the EIR. Analysis related to hydrology and water quality is provided in EIR Section 5.8.

9-40. The comment requests information related to City drainage facilities. Please see Section 5.1 of the ELSPA No. 11 and EIR Section 5.15 Utilities for information related to City facilities.

The comment states that the 100-year peak discharge into the Back Basin will have a significant impact. The EIR includes analysis of impacts related to the Lake Elsinore floodplain in Section 5.8 of the EIR related to Hydrology and Water Quality.

The commenter also requests to review City of Wildomar's data as well as any agreements for the discharge of runoff into the Lake (Lake Elsinore) and Back Basin. As discussed in Section 5.1 of the ELSPA

No. 11 and EIR Section 5.15 Utilities, additional coordination, negotiation and agreement with the City of Wildomar regarding the final facility alignment, cost sharing possibilities and water quality issues are anticipated in the future. Any reports or other documentation commissioned by the City of Wildomar should be requested from the City of Wildomar. Similarly, agreements between the City of Wildomar and the State and Regional Water Resources Control Board should be requested from those involved entities.

9-41. The comment asks when the Line D channel will be removed. As discussed in Section 5.1 of the ELSPA No. 11 and EIR Section 5.15 Utilities, the existing Sedco MDP Line D was designed and constructed in the mid-1980s. It was drastically undersized according to the Wildomar MDP study. The existing Line D daylight channel at the west of Mission Trail will need to be removed for Line E-1 construction; however, no immediate plans for these improvements as a future project are known, and no further related information is available at this time.

9-42. The comment states that Line E-2 is causing unsafe driving conditions on Corydon Road. The comment is acknowledged and is consistent with the information contained in Section 5.1 of the ELSPA No. 11. Drainage development standards that will apply to future implementing development projects are provided in Section 5.5 of the ELSPA No. 11, and mitigation measures related to hydrology and water quality are provided in Section 5.8 of the EIR.

9-43. The comment states that before an area can be graded in an open space it will need to have an environmental review and that given future disturbance these areas should not be counted as open space. The comment is acknowledged, and provisions for future project-level compliance with CEQA are provided in Section 10.7.2 of the ELSPA No. 11, which may relate to future drainage and flood control improvements in the ELSP site.

9-44. The comment questions the accuracy of Figure 5-1 of the ELSPA No. 11. To clarify, the pink area refers to the Proposed Lake MDP Zone, not the Lake (Lake Elsinore). Detention basins will be located during the design review process for future implementing development, when precise land use, site configuration and alignment of facilities are determined.

9-45. The comment asks where the existing Serenity drainage channel feeds into. Please see Figures 5.3-3, 5.3-4, and 5.3-5 of the EIR for earthen drainage features identified downstream of the Serenity drainage discussed in this comment.

9-46. The comment requests additional information on the conceptual drainage plan for the ELSP site. Please see information provided in Section 5 of the ELSPA No. 11 and EIR Section 5.8, Hydrology and Water Quality and Section 5.15, Utilities.

9-47. The comment requests to see documentation referred to in the ELSPA No. 11 Section 5.1 related to potential future grading within areas identified as preservation/mitigation areas. Provisions for future project-level compliance with CEQA are provided in Section 10.7.2 of the ELSPA No. 11, which may relate to future drainage and flood control improvements in the ELSP site. In addition, as discussed

in Section 5.3 of the EIR, all future implementing development projects within the Project site would ensure consistency with the MSHCP by obtaining a consistency determination and any other additional approvals required by the MSHCP, including processes such as the City's implementation of the HANS (Habitat Evaluation and Acquisition Negotiation Strategy) process known as the LEAP process, when appropriate.

9-48. The comment states that the public should be able to comment on the tract map. The comment is noted, and future implementing development projects will comply with public outreach requirements of CEQA as well as required public outreach typical of the City's entitlement process.

9-49. The comment asks who approves drainage improvements. Drainage improvements will generally be reviewed and approved by the City of Lake Elsinore and Riverside County Flood Control and Water Conservation District as applicable.

9-50. The comment states that drainage easements should be underground. The comment is noted; however, no changes to the EIR or ELSPA No. 11 have been made per this comment. Drainage easements will be undergrounded in coordination with the City's Public Works Department, Riverside County Flood Control District and regulatory agencies where appropriate.

9-51. The comment asks which plants and animals are expected in the open space. An analysis of biological resources, including anticipated wildlife and plant species at the Project site, is provided in Section 5.3 of the EIR.

9-52. The comment asks for information related to storage volumes and status of submittal to the Army Corps and EVMWD. As discussed in mitigation measure MM HWQ-6 in the EIR, prior to issuance of a grading permit for future implementing development projects proposing fill at elevation 1,260 MSL or below in the Project site, consistency shall be demonstrated with the HEC-5 analysis of the Outlet Channel design with a maximum of 100-year flood elevation of 1,263.3 feet MSL, an overflow weir height of 1,261 MSL and an operating Lake level of 1,240 MSL. Documentation showing consistency with the HEC-5 analysis shall be submitted to the USACE, EVMWD, RCFC&WCD, and these agencies shall provide written approval of the adequacy of such documentation.

9-53. The commenter appreciates that the landscape plan will include water retention and runoff. The comment is noted, and no further response or action is necessary.

9-54. The comment notes that full capture trash devices will improve water quality. The comment is noted, and no further response or action is necessary.

9-55. The comment approves the requirement for porous pavements. The comment is noted, and no further response or action is necessary.

9-56. The comment expresses support for a bypass pipe to convey water from the EVMWD Treatment Plant on Chaney Avenue to the East Lake Specific Plan area. The comment is noted, and no further response or action is necessary.

9-57. The comment states that Section 9.1.2.5 of the ELSPA No. 11 does not show the CEQA data necessary to build on these properties, and requests documents from the County of Riverside and US Fish and Wildlife Service. Provisions for future project-level compliance with CEQA are provided in Section 10.7.2 of the ELSPA No. 11. In addition, as discussed in Section 5.3 of the EIR, all future implementing development projects within the Project site would ensure consistency with the MSHCP by obtaining a consistency determination and any other additional approvals required by the MSHCP, including processes such as the City's implementation of the HANS (Habitat Evaluation and Acquisition Negotiation Strategy) process known as the LEAP process, when appropriate.

9-58. The comment states that the ELSPA No. 11 has not adequately addressed air quality. The Specific Plan Sustainability Plan referenced by the commenter is not intended to be the air quality evaluation for the Project. The EIR analyzes potential Project impacts to air quality in Section 5.2, Air Quality. In addition, an "Air Quality and Greenhouse Gas Analysis" study was prepared in February 2017 by iLanco for the Project, which was included as Appendix E of the EIR.

9-59. The comment requests information on the circulation plan for Skylark and Stoneman Streets onto Grand Avenue. Information related to circulation is provided in Section 5.14 of the EIR as well as in the TIA dated February 1, 2017 (Appendix K of the EIR). Stoneman Street at Grand Avenue was analyzed as key study intersection 22. In addition, Skylark Drive, north of Grand Avenue was included as a key roadway segment in the TIA.

9-60. The comment requests information on endangered species and how they will be protected when building is approved. Potential impacts to biological resources, including endangered species, were analyzed and related mitigation is provided in Section 5.3 of the EIR. Figure 5.3.1 in the EIR identifies and locates existing Vegetation Communities. No sensitive plant species were observed during the 2016 survey, however, species with the potential to occur on-site were analyzed, and are listed as an appendix to the Technical Report in Appendix F of the EIR. Critical habitat areas were identified and mapped in Figure 5.3-6. Mitigation Measures MM BIO-1 through MM BIO-10 have been developed to protect endangered species.

9-61. The comment refers to Section 10.4.2.1, Minor Modification Submittal Requirements, of the Specific Plan and asks for information on biological studies and traffic impacts. The EIR's Section 5.3, Biological Resources, summarizes the findings and recommendations of the Biological Technical Report, which assesses potential impacts to plant and wildlife species on the site. The EIR's Section 5.14, Transportation and Circulation, is based on the findings and recommendations of the Traffic Impact Analysis Report prepared for the project and addresses impacts to the roadway, circulation network and key intersections, as well as safety, public transportation, bicycle trails and pedestrian trails. Furthermore, provisions for future project-level compliance with CEQA are provided in Section 10.7.2 of the ELSPA No. 11.

9-**62.** The commenter believes the Project will adversely affect her family's health and safety. The project's potentially significant unavoidable adverse impacts related to air quality, greenhouse gasses, noise and traffic and transportation are disclosed in EIR Section 6. All other potential impacts would be

reduced to less than significant with mitigation. In cases where a project would have potentially significant environmental impacts that cannot be reduced to less than significant, CEQA expressly grants lead agencies the authority to approve such projects, should it choose to do so, so long as the lead agency makes a fully informed and publicly disclosed decision that includes a statement of the considerations that the agency finds will override the significant effects of the project (See CEQA Guidelines Sections 15043 and 15093).

9-63. The comment states that there are uncertainties and ambiguities in ELSPA No. 11 and requests that all members of the public who have written on this Specific Plan be notified. The commenter will be included in future project-related correspondence and other public announcements consistent with the comment. Furthermore, the ELSPA No. 11 (as revised in response to written comments) and the EIR (as revised in response to written comments) will be posted on the City's website prior to the public hearings before the City's Planning Commission and City Council, to provide as much transparency as possible in this process.

9-64. Although the comment is not entirely internally consistent, the comment appears to request access to the project's EIR, which was provided for public review concurrently with the ELSPA No. 11 pursuant to CEQA public notification and distribution statute and guidelines.

9-65. The comment requests information on Indian burial sites. The EIR's Section 5.4, Cultural, Paleontological and Tribal Resources, evaluated potential Project-related impacts and Native American consultation was completed pursuant to California laws. The locations of sensitive cultural resources are not mapped in public documents in order to protect them from public disturbance and/or theft, specifically at the request of affected tribes.

9-66. The comment requests information on vernal pools, fairy shrimp, US Fish and Wildlife Service, and burrowing owls. The EIR's Section 5.3, Biological Resources, summarizes the findings and recommendations of the Biological Technical Report, which assesses the plant and wildlife species and sensitive habitats on the site, including the resources identified in this comment. No further response or action is necessary.

9-67. The comment requests information on an addendum to a previous EIR Section 10.7.2 of the Specific Plan describes the process for future implementing development projects to comply with CEQA, which may require the preparation of an addendum. There is no addendum to this EIR to date.

9-68. The comment states that the definitions in Section 11 of the ELSPA No. 11 are not an EIR. The comment is noted. As stated previously, the EIR that was prepared to analyze the potential environmental impacts of the proposed Project (i.e. ELSPA No. 11) is a stand-alone document. Both the EIR and ELSPA No. 11 were distributed concurrently for public review pursuant to CEQA.

9-69. The commenter states that she could not find information on greenhouse gas emissions. Greenhouse gas emissions are addressed in the EIR Section 5.6, Greenhouse Gas Emissions.

9-70. The comment states that a Traffic Management Plan is missing from the ELSP. Circulation is addressed in the Specific Plan's Section 4.0, Circulation, and in the EIR's Section 5.14, Transportation and Circulation, which includes required mitigation measures. A development-specific Traffic Management Plan would be required of future implementing development projects once development-specific details are proposed under a future separate project, consistent with provisions of the Specific Plan and Mitigation Monitoring and Reporting Program.

9-71. The comment states that the City must bring the roads of Skylark and Stoneman up to county standards and requests to see a specific traffic study. Circulation is addressed in the Specific Plan's Section 4.0, Circulation, and in the EIR's Section 5.14, Transportation and Circulation, which includes required mitigation measures. The Traffic Impact Analysis Report prepared for the Specific Plan is available for review in Appendix K of the EIR.

9-72. The comment expresses support for the inclusion of ADA accessibility in the ELSP site. The commenter's support for this portion of the project is noted.

9-73. The comment requests information related to the air quality analysis and mitigation measures developed for the project. The EIR addresses air quality in Section 5.2, Air Quality and in the project's Air Quality and Greenhouse Gas Analysis study, which was circulated as Appendix E of the EIR.

9-74. The comment states that there are three faults in the area, and asks where minor zones of liquefaction occur. Seismicity and liquefaction are analyzed in Section 5.5 of the EIR, related to geology, soils, and seismicity.

9-75. The comment states her affiliation with the Neighborhood Watch for Lakeland Village. This comment is noted.

9-76. The comment states that she cannot find the EIR for this project, and would like to read the related biological resources technical reports and permitting documents. These topics are discussed in the EIR, in Section 5.3, Biological Resources as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR. No further response or action is necessary.

9-77. The commenter objects to the City's support of the LEAPS project in Table A-1, RP 1.1 on Page A-24 of the ELSPA No. 11. However, this Table section in the Specific Plan refers to the Lake Elsinore Acquisition Process program of the Western Riverside County Multiple Species Habitat Conservation Plan. It does NOT refer to the Lake Elsinore Advanced Pumped Storage project proposed by the Elsinore Valley Municipal Water District and Nevada Hydro Company, co-applicants.

9-78. The comment asks if it would make sense to require the builders of new homes and businesses to include solar panels on all new buildings. The City supports the installation and use of solar panels, particularly in this climate. Specific Plan Development Requirement No. 27 requires all new multi-family residential, commercial and industrial development include solar photovoltaic systems that meet at least 50 percent of the development's projected energy use.

9-79. The comment requests information on where fees for the MSHCP program are going. Information on MSHCP process and development fees can be found on the Regional Conservation Authority's website (https://www.wrc-rca.org/). This comment does not pertain to the content or adequacy of the EIR; no further response is necessary.

9-80. The comment states support for revegetation with native plants. The comment is noted.

The commenter asks why RP 1.6 is not applicable, and states that she has read that the ELSP will include the Murrieta Creek Trail. The comment is noted and the Consistency Analysis for RP 1.6 is revised to the following statement, which has also been added to Table 5.3-17 of the revised DEIR:

> **CONSISTENT:** The ELSP incorporates a portion of the Murrieta Creek Trail and trails along the top of the Lake Elsinore Levee, which are components of the Lake Elsinore Regional Trail, that will connect directly to the internal onsite pedestrian circulation system. The trail, sidewalk, and other pedestrian circulation systems in the ELSP provide connectivity to MSHCP Conservation areas along Lake Elsinore.

The commenter states that she would like to read which threatened or endangered species occur in the ELSP site, and where USFWS and CDFW information can be reviewed. These topics are discussed in the EIR, in Section 5.3, Biological Resources as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR. No further response or action is necessary.

The comment asks what the 1998 North American Vertical Datum is, which is discussed in RP 4.4. The 1998 North American Vertical Datum is the vertical control datum, or coordinate system, of orthometric height, also known as height above sea level, that has been established as a best practice for vertical control surveying in North America.

The comment asks how the cultural heritage will be preserved. As discussed in ELSPA No. 11 Appendix A, the City has found the project to be consistent with Goal RP 6 because development in the ELSP is subject to the provisions of CEQA. The EIR for this Project includes a Cultural and Paleontological Resources Assessment prepared by Duke CRM, January 2017, which evaluated potential impacts to historical and cultural resources in the Project area. In accordance with the Assessment's findings, the City adopted mitigation measures that preserve, protect and promote the City's cultural heritage in an appropriate manner.

The comment expresses agreement that night lighting will be required to reduce excessive glare. Issues related to aesthetics and glare are discussed in Section 5.1 of the EIR.

9-81. The commenter states that the MSHCP requirement is 770 acres and that she was not able to see the improvement to Skylark St. and Stoneman St. listed. These topics are discussed in the EIR, in Section 5.3, Biological Resources as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR.

9-82. The comment states that a project biological survey was not conducted during an appropriate time to observe many of the sensitive plant species, and suggests that some of these surveys can be conducted now (i.e. in April 2017). The comment is noted; however, no additional biological surveys are proposed in support of this programmatic project for the ELSPA No. 11. Please see mitigation measure MM BIO-4 through MM BIO-7 and MM BIO-3b, as described in response to comment 19-84 below, for related mitigation measures and future surveys that will be required of future implementing development projects proposing new development within the specific plan area.

9-83. The commenter states that she did not find the Traver-Domino Willows soil area listed on the maps. These topics are discussed in the EIR, in Section 5.3, Biological Resources as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR. Specifically, Section 5.5 of the Biological Resources Technical Report contains information related to the Traver-Domino-Willows. The extent of mapped soils is shown in Figure 10a Soil Map and 10b Detail Soil Map found in Appendix F, *Biological Technical Report for the East Lake Specific Plan Amendment No. 11*.

9-84. The comment states that the legend for the figures is too small. This comment is noted; however, no changes have been made to legend size in response to this comment.

The commenter also states that she has seen burrowing owls, white pelicans, and loggerhead shrikes on the levee, in the ELSP site, as well as other species including rabbits, lizards, snakes, and insects in the project site. The commenter also states that the coast patch nosed snake could lose habitat.

These topics are discussed in the EIR, in Section 5.3, Biological Resources as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR. Mitigation to protect burrowing owl was included as MM BIO-7. In further response to this comment, the discussion on sensitive species not covered by MSHCP has been amplified on pages 5.3-33 and 5.3-34 as follows:

> **Potential Impacts to Special Status Wildlife**
>
> Of the federal and state endangered or threatened species with potential to occur within the Project site, the western snowy plover is the only species not covered under the MSHCP. ~~Based on the lack of recent observation (within the last 40 years), it is unlikely the species would occur in the Project site. Although occurrence of western snowy plover is unlikely, any potential for impacts to this species during construction of future implementing development projects would be minimized through implementation of MM BIO-7, which requires all future implementing development projects in the Project site to complete a pre-construction nesting bird survey prior to clearing and grubbing activities within the Project site. Therefore, potential impacts to western snowy plover would be less than significant.~~ Figure 8 of the Biological Technical Report shows historical CNDDB occurrences of plover around the Lake shoreline, consistent with the July 2016 sitings (eBird, https://ebird.org/ebird/hotspot/L1743855). As shown in Figure 3-4, Land Use Plan, the proposed development areas avoid lake shoreline areas by preserving proposed Planning Area 5, Planning Area 7 and approximately 50 percent of the "T Peninsula" in Planning Area 6. Implementation of MM BIO-7 for preconstruction nesting bird surveys and

avoidance of development in these areas would ensure potential short-term and long-term impacts to western snowy plover are less than significant. In addition, future implementing development projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

Impact BIO-4 *Construction of future implementing development projects including clearing, grubbing, and demolition activities ~~would~~ may result in ~~less than significant~~ impacts to western snowy plover and other nesting birds in the Project site.*

Three additional special status wildlife with potential to occur in the Project site are not covered by the MSHCP including:

- American white pelican: potential nesting grounds and foraging habitat are not expected to be directly impacted by development within the Project site due to the designated preservation/mitigation areas in Planning Areas 5, 6 and 7 and due to avoidance of shoreline development. In addition, although potential roosting and breeding habitat occurs along the avoided shoreline areas, Lake Elsinore is considered more of a stopover location for migrating pelicans rather than a roosting/breeding ground because the species requires safe roosting and breeding places in the form of well-sequestered islets. Therefore, no direct and no significant indirect impacts are expected based on the general avoidance of shoreline and designated preservation areas that will provide adequate habitat and buffer distances between any potential birds and development. ~~, and less than significant impacts would result from the Project~~. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

- Coast patch-nosed snake: potential loss of suitable habitat for this species, which typically includes semi-arid brush areas, canyons, rocky hillsides, and plains would result from the Project. ~~With implementation of the MSHCP conservation requirements~~, However, suitable habitat for the coast patch-nosed snake would be preserved within ~~the Back Basin~~ Preservation/Mitigation Areas, as shown on Figure 3-4 Proposed Land Use Plan, designated for achieving MSHCP conservation goals of the Back Basin 770 Plan. Preserved suitable habitat would include part of those currently identified mitigation areas associated with the Summerly development known as the “25-acre site” – upstream area and slopes in the “10-acre site” (semi-arid brush); along Rome Hill (rocky hillside) and other areas that fall into that classification (the slopes in the future “71-acre site” plus part of the preservation areas in PA-4, PA-5 and PA-7). Given the potential loss of habitat impacts and implementation of MSHCP Conservation requirements that would retain suitable habitat, impacts to this species would be less than significant. In addition, future implementing projects would require project-specific biological surveys and

environmental review prior to implementation to verify these findings made in this programmatic DEIR.

- Two-striped garter snake: potential loss of suitable habitat for this species would result from the Project. However, ~~T~~there is a low potential for occurrence onsite or impacts ~~and~~ because suitable habitat is limited to areas adjacent to open water, which would primarily include areas along the Lake shoreline and San Jacinto River inlet channel that are to remain undeveloped. No other open water areas have been observed in the survey area. Given the limited potential for direct impact and no significant indirect impacts expected to this species per the Technical Report, the minimal potential loss of habitat would result in a less than significant impact to this species. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

Also, please note that in response to comments received from the Wildlife Agencies (CDFW and USFWS), mitigation measure MM BIO-3a has been added to clarify the requirements for mitigating the impacts should non-MSHCP-listed sensitive species be detected onsite as shown below:

MM BIO-3a Prior to issuance of any grading permit, the project applicant of a future implementing development project shall complete systematic wildlife and sensitive plant surveys to document species occurrence. For sensitive species detected onsite, but not covered by the MSHCP, project specific mitigation measures will be included in future specific plan approvals to offset impacts. These measures shall include the preservation of appropriate natural open space areas in perpetuity via a conservation easement and provision of a non-wasting endowment to fund the long-term management by a CDFW-approved local conservation entity. Preservation of open space shall occur at a minimum 1:1 ratio.

9-85. The commenter states that she has seen several bald eagles living and nesting in the Lakeland Village area. The comment is noted. Mitigation measure MM BIO-7 has been incorporated into the project to reduce the potential for impacts to nesting birds.

9-86. The comment states, “Executive Order 11990 Protection of Wet-lands”. This comment is noted; however, it does not pertain to the content or adequacy of the EIR. Therefore, no further response or action is necessary.

9-87. The comment asks where is the compliance record with the Section 404 permit, and where is the paperwork for the NPDES permit. Mitigation measure MM HWQ-1 requires that future implementing development projects requiring 401 Water Quality Certification and NPDES construction and stormwater permits, United States Army Corps of Engineers Section 404 permit, and California

Department of Fish and Wildlife Section 1602 Streambed Alteration Agreement, shall obtain such permits prior to the issuance of City grading permits.

9-88. The comment requests to review a long-term management plan for the conservation of biological resources in perpetuity. The comment also requests information on the alternate land to be preserved, presumably to achieve the 770-acreage required as part of the 770 Plan, and requests information related to MSHCP documentation for projects in the ELSP site. Please see Section 2.5.4.2 of the ELSPA No. 11 related to requirements on future development in the ELSP site to assist the City in achieving the desired 770-acreage, including management of these areas.

9-89. The comment states that the critical habitat for the Riverside Fairy Shrimp will be lost, and states that there are at least three areas where these animals are found. The comment also states that mitigation measure MM BIO-6 states that Riverside Fairy Shrimp are absent, which she claims is an incorrect statement. This comment misstates the findings of the EIR. Mitigation measure MM BIO-6 requires that, unless impacts can be avoided, focused surveys should be conducted for future implementing development projects to determine presence/absence of Riverside fairy shrimp within the Infrastructure Improvement Areas. If fairy shrimp are present, the City shall determine whether avoidance can be achieved. If not, mitigation will be provided consistent with the MSHCP. Vernal pools as well as critical habitat for Riverside Fairy Shrimp are discussed in the EIR, in Section 5.3, Biological Resources as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR.

9-90. The comment states that 6.08 acres of impacts to Southern Cottonwood Willow Riparian Forest would result in significant impacts, and asks how this will be mitigated. Please see mitigation measure MM BIO-4a for mitigation related to special status plant species. No further response or action is necessary. Please note that mitigation measure BIO-4a was previously listed in the DEIR as mitigation measure MM BIO-4, and has subsequently been modified per comments received from the Wildlife Agencies, as described in more detail in response to comment 27-16.

9-91. The comment states that the legend for the figures is too small. This comment is noted; however, no changes have been made to legend size in response to this comment.

9-92. The comment asks where is the project's biological technical report. Biological resources are summarized in Section 5.3 of the EIR, as well as the Biological Resources Technical Report, which was circulated as Appendix F of the EIR. No further response or action is necessary.

The comment also asks where the project's DBESP is available. All future implementing development projects within the Project site would ensure consistency with the MSHCP by obtaining a consistency determination and any other additional approvals required by the MSHCP, including preparation of a development-specific DBESP, when appropriate.

9-93. The commenter states that she found the fundamentals of noise very interesting. This comment is noted. No further response or action is necessary.

9-94. The comment states that she knows that when development starts, construction noise limits will be enforced. This comment is noted. No further response or action is necessary.

9-95. The comment asks how the project will mitigate the substantial permanent increase in ambient noise levels above what existed before the project started. Please see Section 5.10 of the EIR as well as the project's Noise Study Report, which was circulated with the DEIR as Appendix I, where an analysis prepared for the project identifies potential impacts as well as feasible mitigation measures that have been incorporated into the project. Mitigation measures MM NOI-1 through MM NOI-6 would be required to minimize noise impacts of future projects resulting from temporary construction and long-term operations; however, the EIR has disclosed that noise would remain a significant unavoidable impact with respect to the change from existing ambient noise levels. The City Council must weigh the effects and benefits of the project identified in the Findings, and adopt A Statement of Overriding Considerations before approving the Project.

9-96. The comment states that Tables 5.10-14 through 5.10-18 have no numbers for Grand Avenue. As indicated in the table footers, blank cells indicate locations where the 60 dB Ldn noise level would not extend beyond the roadway pavement.

Related to Table 5.10-19, the comment states that there is no data from Stoneman St. north of Grand Ave., and asks where data can be found for Skylark St. north of Grand Ave. This comment references a header provided in the table, which is listed for each roadway analyzed. Analysis was prepared for this project for segments of each roadway listed in this table, not the entire roadway.

Related to Table 5.10-20, the comment states that there is data from Stoneman St. north of Grand. The comment is noted. Data is included in Table 5.10-20, for the Year 2040 Distances from Roadway Centerline to 60 dB Ldn Traffic Noise Contours (Feet) table, because this would be a location where the 60 dB Ldn noise level would extend beyond the roadway pavement.

Comment Letter 10 – Brian Milich

Letter 10
Page 1 of 6

From: Brian Milich
To: Richard J. MacHott, LEED Green Assoc.
Cc: Grant Taylor; Grant Yates; Justin Kirk; Scott Wilson; Don Mitchell
Subject: East Lake Specific Plan Amendment No. 11 Comments
Date: Tuesday, May 30, 2017 12:03:55 PM
Attachments: East Lake Specific Plan Amendment No. 11 Comments.docx

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Richard—attached are our preliminary comments on the East Lake Specific Plan Amendment #11 and related EIR.

Our primary concerns, as expressed in the attached comments, are:

10-1

1. Ensuring the protection of Summerly's vested development rights.
2. Assurance that Summerly homeowners, and future Summerly development, will be adequately protected from the proposed changes in land use on the Waterbury and other properties adjacent or in close proximity to Summerly.
3. Consistency in the Back Basin long term wetland maintenance approach that is being proposed to the resource agencies (USACE et. al.) by the City, EVMWD and Summerly.

I would like to schedule a time to meet with you to go over these comments.

Thank you.

Brian

East Lake Specific Plan Amendment No. 11 and Supporting Environmental Impact Report
Comments from McMillin Summerly, LLC
May 24, 2017

Please see below for our comments on the East Lake Specific Plan Amendment No. 11 (ELSPA No. 11). Given that these comments on the proposed Specific Plan Amendment also relate in many cases to the content of the project's supporting Environmental Impact Report (EIR), we anticipate that any changes the City makes to the specific plan amendment would also be made to the EIR where appropriate to ensure consistency between these two documents.

1) Section 1.1.1 of the Specific Plan
   a. This section should state, "Ensure compatibility with existing residential uses at Summerly." Section 1.1.1 first bullet point should include a statement the amendment does not in any way change the land uses, development regulations, and architectural guidelines for Summerly associated with the previous Amendment 6 or 6 Erratum (i.e. Amendment No. 6A) and 10

2) Section 1.2 of the Specific Plan
   a. Please discuss in the ELSPA No. 11 that residential designations of RES-1 and RES-2 adopted with ELSP Amendments No. 6, No. 6 Erratum (i.e. Amendment No. 6A) and Amendment No. 10 remain consistent with those designations proposed in the ELSPA No. 11. In addition, Table 2-8 standards should be revised for consistency with those currently adopted standards.
   b. Reference to Amendment No. 6 Erratum (i.e. Amendment No. 6A) needs to be added.

3) Section 1.5 of the Specific Plan
   a. Add to the project objectives, "Establish an adequate buffer to protect existing and future residential uses at Summerly."
   b. Item 2 should include a statement the amendment does not in anyway modify the land uses, development regulations, and architectural guidelines for Summerly associated with the previous Amendment 6, 6 Erratum and 10

10-1 cont.

4) Section 2.2.1 and Table 2-2 of the Specific Plan
   a. Clarify why the golf course and Summerly are included under the same Planning Area (PA-1).
   b. Clarify if the golf course will be allowed to develop residential units.
   c. Clarify if other projects will be able to access a portion of the 1,979 units allocated to Summerly through a density transfer.
   d. Please revise Table 2-2 Planning Area 1 Preservation/Mitigation acreage from 110.43 to 106.4.
   e. Planning Area 1 area of 707.5 acres shown would include the parking area south of the stadium but is excluded in the graphic for PA 1

5) Section 2.3 of the Specific Plan
   a. Please clarify how Phasing/timing will relate to sewer availability?

6) Section 2.4.1 of the Specific Plan
   a. The Draft ELSPA No. 11 should be revised to include a discussion of the Summerly project's existing entitlements vested under the Summerly Development Agreement as portions of the Summerly site are either currently developed or undergoing approved phased development. Specifically, ELSPA No. 11 should describe that no changes are made to the Summerly land uses,

development standards, public improvements, public financing districts (e.g. new CFD's), City processing requirements, etc. and that ELSP Amendments No. 6, No. 6 Erratum and No. 10 remain valid.

b. It is important to note that Summerly has a Development Agreement and is vested with its development standards and all other land use regulations, fees, processing, etc. Notwithstanding this amendment, the City cannot impose new regulations on Summerly. There are a number of items in this section that would not be acceptable to Summerly including some of the development standards and the requirement to annex into CFD 2015-1 (Summerly has already annexed into CFD 2003-1) and CFD 2015-2. Please revise this section accordingly.

c. In addition, bullet point #16 should note that projects like Summerly may already have a park agreement that regulates public park requirements.

7) Section 2.5.1 of the Specific Plan

a. "Action Sports, Tourism, Commercial and Recreation" which is applied to properties adjacent to Summerly residential (i.e. Waterbury) allows such uses both by right and by CUP that could have significant impact on Summerly and its residents if adequate buffers and mitigation is not required. It is not clear in this document that this has been addressed in any way.

b. Additionally, the development standards allow for buildings up to six stories. It is not clear how this might impact Summerly residents.

8) Section 2.5.2 shown in Figure 2-1 of the Specific Plan

10-1 cont.

a. Please explain how the "transition" area between Summerly and the potential uses on Waterbury will adequately provide a sufficient buffer from the proposed allowed uses other on Waterbury. This is a major concern for Summerly, its Guest Builders and Summerly homeowners.

9) Section 2.5.2 of the Specific Plan

a. Section 2.5.2 lists various permitted uses and conditional uses for "Transition Areas", which would be within close proximity to residential development at Summerly. Some of these uses may not be compatible with adjacent residential development, including: (1) Bars or cocktail lounges, not in conjunction with a restaurant; (2) Hotels; (3) Municipal Parking Lots and Parking Structures; (4) Parking and landscaping associated with land uses within adjacent Action Sports, Tourism, Commercial and Recreation land use designation; (5) Personal service establishments; (6) Restaurants and eating places, including drive-through service; and (7) Retail sale. Section 2.5.2 should be revised to ensure land-use compatibility is maintained between residential uses at Summerly and proposed uses in proposed Planning Area 2.

b. Note that the "Active Recreation, Tourism, Commercial and Transition" designation, which is directly adjacent to Summerly homes, allows, among other uses, bars and cocktail lounges and hotels and, by CUP, sporting venues and other uses. Are these specific uses allowed directly adjacent to Summerly? If so, how are they buffered and impacts mitigated given a 15 ft. rear and side yard setback and six story height?

c. Table 2-8 standards should be revised for consistency with those currently adopted standards.

10) Section 2.5.3.1 of the Specific Plan

a. The Links permitted uses that could impact Summerly include: hotels (plural?)?

b. What other uses might be allowed by CUP?

11) Section 2.5.3.2 of the Specific Plan

a. Please revise the description of Summerly Community Park on page 2-24 to clarify only two of the ballfields are lighted.

12) Figure 2-3 of the Specific Plan
   a. What is the "cafe overlook" (Phase 3 M.)?

13) Section 2.5.4 of the Specific Plan
   a. The Draft ELSPA No. 11 should provide a discussion that addresses how open space, mitigation and flood storage requirements would remain consistent with the current approach that the City, EVMWD and Summerly are proposing to the Resource Agencies, which includes no native cover performance standards for mitigation areas and the establishment of an endowment for non-native woody species removal in perpetuity.
   b. 2.5.4.2: Discuss the endowment required for woody invasive species removal. Can trails be added to the managed open space?

14) Section 2.5.5 of the Specific Plan
   a. Please confirm that no development standards, land uses or other changes have been made that are contrary to Summerly's vested rights under its Development Agreement.
   b. SPA #6B may precede this ELSPA No. 11 and may need to be incorporated as well into this amendment if approved.

10-1 cont.

15) Section 2.5.5.1 of the Specific Plan
   a. Why is this limited to TR 31920-1 through -16? Please revise the reference of "(Summerly – TR 31920-1 thru -16)" to "(Summerly – TR 31920-1 thru -25)" on page 2-28 and page 5-0 to reflect that Summerly has 25 internal planning areas. I think this should read (Tentative Tract 31920) instead of (TR 31920-1 through 16)
   b. Need to reference SPA #6A.
   c. Table 2-7: should include the RES 2 density and development standards; need to confirm number of lots.

16) Section 2.5.5.2 of the Specific Plan
   a. Are duplexes allowed in Summerly as approved under SPA #6A?
   b. Please address RES-2 standards per SPA #6A.

17) Section 2.5.6 of the Specific Plan
   a. How would the Skylark Airport's continued use, relocation or other uses allowed by CUP be analyzed relative to its impact on surrounding residential development?

18) Section 2.5.7 of the Specific Plan
   a. The Mixed Use Overlay, which is proposed adjacent to Summerly residential, allows for uses such as: bar, pub and public lounges, cardroom, cigar lounge/hookah bar, night club, open air market, indoor swap meet and other uses that could potentially have a negative impact on Summerly residential. How are these uses regulated and buffered so as to avoid impacts to Summerly residential?

19) Section 2.5.8.3 of the Specific Plan

a. It is not clear where on Waterbury uses are specifically permitted and how impacts from such residential and non-residential uses are regulated in order to mitigate impacts to Summerly residential.
b. Uses including: Lighted athletic fields, fairgrounds, private rodeo facilities, motocross and other "off-road" type facility, air field and skydiving facilities, amusement-type facilities such as water park, amusement park or other "family fun" centers are allowed by CUP—how are these uses regulated to ensure no negative impacts to Summerly if Waterbury is not developed under its current residential designation?
c. Alternative Planning Area 2 Land Use Designations would allow light industrial uses. How are these uses regulated to ensure no negative impacts on Summerly?

20) Section 3.2.2 and 3.2.3 and Figure 3-1 of the Specific Plan
a. How are Summerly's Land Use and Development Standards and Planning Standards (e.g. Vehicular Circulation, etc.) addressed relative to Summerly vested rights under the Summerly Development Agreement?
b. Figure 3-1 shows that Malaga (Sylvester), Lucerne and Cereal have 100-foot ROW and will be major roads. Portions of Malaga and Lucerne that were previously within the Summerly TTM 31920 were vacated on the final map. In addition, 30 feet of the total 60-foot width of Cereal is being graded with a 2:1 slope as part of Summerly's Development Agreement. Also, to get the 100 feet required for Malaga as currently proposed, it appears that the 33-acre mitigation area would be impacted. In addition, Lucerne would need to be located completely outside of proposed Planning Area 1 (Summerly), which is not reflected in the graphics. Please include a discussion in ELSPA No. 11 of how these major roadways will be constructed so as not to conflict with Summerly or mitigation sites and update Figure 3-1 as necessary.

10-1 cont.

21) Section 3.3.3 of the Specific Plan
a. Land Use Transitions: Non-residential uses on Waterbury "shall" provide a buffer of 100 to 150 feet in width adjacent to Summerly, totaling a minimum of 15 acres. How is this buffer width determined and what specific uses are allowed in this required buffer in addition to Open Space?

22) Section 3.5 and 3.6 of the Specific Plan
a. The Draft ELSPA No. 11 should provide a discussion that addresses how open space, mitigation and flood storage requirements would remain consistent with the current approach that the City, EVMWD and Summerly are proposing to the Resource Agencies, which includes no native cover performance standards for mitigation areas and the establishment of an endowment for non-native woody species removal in perpetuity.

23) Section 4 of the Specific Plan
a. Have any of the circulation development standards, including street standards, that apply to Summerly been modified?
b. Figure 4-1 shows Cereal Street as a Major Road with a 100 foot right of way. Recent planning has been for a 4-lane road within a 60 foot right of way. An alternative street section should be added for the 60 foot right of way. Add a cross section in Section 4.2.2
c. Figure 4-17. The Cereal St 60 foot right of way did not include a class II bikeway

24) Section 5 of the Specific Plan

a. Please revise the reference of "(Summerly – TR 31920-1 thru -16)" to "(Summerly – TR 31920-1 thru -25)" on page 2-28 and page 5-0 to reflect that Summerly has 25 internal planning areas.

25) Section 5.5 of the Specific Plan
   a. Do any of the Drainage Development Standards conflict with Summerly drainage design plans? Should there be a section that discusses floodplain?

26) Figure 6-1 of the Specific Plan
   a. Does Figure 6-1 conform with the Summerly design plans? Existing water lines within the back basin are not shown on the figure.

27) Section 6.3 of the Specific Plan
   a. What is the timing of additional sewage capacity for development of the ELSP area?

28) Section 7.6 of the Specific Plan
   a. Summerly cannot be required to annex into any new CFD's, including CFD 2015-1 or 2015-2.

29) Section 8 of the Specific Plan
   a. What is the applicability of the proposed architectural guidelines compared to Summerly's vested development rights?

10-1 cont.

30) Section 9 of the Specific Plan
   a. What is the applicability of the proposed Sustainability Plan compared to Summerly's vested development rights?

31) Section 10 of the Specific Plan
   a. Are there any deviations from current Summerly vested development rights under the Summerly Development Agreement?

32) Section 10.7 of the Specific Plan
   a. Section 10.7.2 of the Draft ELSPA No. 11 should be revised to clarify the distinction between currently entitled projects under the adopted ELSP including Amendments 1 through 10 and Subsequent Individual Projects that would be subject to the requirements and mitigation obligations under ELSPA No. 11. For example, a Subsequent Individual Project may be defined as those listed under Section 10.3 with the submittal of a new project development application after adoption of ELSPA No. 11. Current projects requiring revisions to existing tract maps, parcel maps, design review or other modifications that are within substantial conformance of existing entitlements would be subject to the requirements and mitigation obligations under adopted ELSP Amendments 1 through 10.
   b. How does CEQA Compliance for ELSPA No. 11 affect Summerly (e.g. mitigation measures)? See comment 6.a.

33) Section 10.6.1.4 of the Specific Plan
   a. Note that Summerly is exempt from paying certain Impact Fees under the Summerly Development Agreement.

Response to Comment Letter 10

Brian Milich

10-1. This e-mail included 33 separate comments on various aspects of the East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11) with respect to the Summerly neighborhood (proposed Planning Area 1). These comments are acknowledged; however, they pertain to the provisions of the ELSPA No. 11 and are not concerned with the content or adequacy of the EIR. Language within the ELSPA No. 11 was clarified in response to these comments; however, there was no change in the maximum intensity or distribution of development allowed by the ELSPA No. 11 as analyzed by the Draft Environmental Impact Report (DEIR). No new environmental issues have been raised by this comment or clarifications made in the ELSPA No. 11 and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 11 – Civic Partners

Letter 11
Page 1 of 3

CIVIC PARTNERS

June 1, 2017

RECEIVED
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CITY OF LAKE ELSINORE
PLANNING DIVISION

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530

Reference: East Lake Specific Plan Amendment 11

Dear Mr. MacHott:

11-1 Civic Partners-Elsinore, LLC (Civic) and its affiliates have been involved in the development of the area within the East Lake Specific Plan for nearly 30 years. Civic is one of the largest landowners, is the designated Master Developer for most of the Plan Area, and most importantly has completed nearly 900 acres of development. This includes the Links @ Summerly, the Summerly community and the Master Plan and Specific Plan for former portions of the ELSP; what is now the Diamond Specific Plan area. We are currently completing grading for a large commercial development, in the final stages of pre-development for an affordable housing project and in conceptual design for a large sports and recreation based facility in the Plan Area.

11-2 Development of property within the ELSP area is extremely expensive due to the massive grading required to resolve flood plain and flood control issues. Over the last several years, Civic has expended considerable resources, both in manpower and capital, developing solutions to this issue and creating a vision for development of the ELSP. At each point this vision has been shared with the City, and has been supported by both staff and governing branches. In completing Civic's conceptual plan for what is Plan Area 6 in the amendment, Civic has; purchased and secured options on property; exchanged valuable land owned in the Diamond Specific Plan for additional land in Plan Area 6 in order to allow the Sports Complex to move forward and to further advance land ownership in Plan Area 6; prepared conceptual grading and development plans; developed project estimates; discussed the opportunity with various funding sources; and, with the City Manager, presented the project to potential tenants. From this experience we have learned a number of things. Recreational uses alone cannot provide sufficient income to support a development of any kind; substantial development density is required in order to amortize the excessive cost of creating developable land; a mix of commercial uses is required to attract funding sources; and, developed properly, the area can become a regional attraction that provides the economic engine to allow the City to grow, and realize its dream of becoming a world class destination.

One Pacific Plaza • 7777 Center Avenue, Suite 230 • Huntington Beach, California 92647
Telephone: (714) 230-8000

11-3 We have received the Notice of Availability, and have reviewed the proposed Amendment in light of our experience and current activity. As the Master Developer for the bulk of the property, one of the largest landowners, and one of the few developers actively processing development in the area, Civic is not able to support this amendment as written. When we were advised that the City was undertaking an amendment that would affect our holdings in Plan Area 6, we repeatedly requested the opportunity to participate in the process. We were not afforded that chance, and are now presented with an amendment that while elegant in its composition, does not provide for successful development of this Plan Area. Practically speaking, the restrictions imposed make it unlikely that there would be financing available. Of more importance to us, it renders much of our property, prior work effort and substantial investment valueless. For these reasons, we feel implementation of this amendment does not serve the best interest of the City of Lake Elsinore and certainly not the interest of the Master Developer or the other Plan Area 6 landowners. The following comments are made on behalf of Civic as Master Developer and the Civic landownership affiliates and are more specific;

11-4

1. We believe the maximum density proposed for the Plan Areas is significantly below the potential of the areas and ignores the City's stated goals of bringing businesses to the City, increasing the tax revenue and supporting the elements of the Dream Extreme vision. From a development standpoint, the limits cannot provide the critical mass necessary to overcome the excessive cost of development. Practically speaking, development will be paced consistent with current and planned infrastructure and available economic benefit without an amendment that limits the vision for the area.
2. The amendment effectively removes the T-Island from any future development potential by reserving it for habitat and some limited uses (City fireworks). The Island is arguably the most valuable part of the Plan Area, offering recreational and commercial opportunities to increase the access to and use of The Lake while providing an amenity unique to the region. While development of this area has unique challenges, will require time to resolve and certain easements addressed, its future should not be limited by this amendment in order to provide additional habitat that could potentially be created elsewhere.
3. The phasing described for Plan Area 6 provides for only recreational areas during Phase I with all support and commercial areas postponed until Phase 2. The relationship between recreational uses and amenities is essential and one will not develop without the other. More importantly, financing for recreational uses will rely on the commercial aspect to create a viable project. The small commercial element allowed in Phase 1 will not provide the economic engine to drive the development of recreational uses.
4. The buffer between the mitigation area and development in Plan Area 6 is defined as 350', which would render two Master Developer parcels commercially undevelopable.
5. The extension of the proposed drainage complex south of Mission Trail (E-1-1) appears to cross property owned or controlled by the Master Developer and raises several questions.

11-4 cont.

a. Is the location fixed? Current conceptual plans can be modified to some extent; however the placement of the drainage complex can significantly limit the development of our property.
b. At what depth will the complex be placed? In order to develop property along Mission Trail, a basin must be constructed to provide material to create a developable pad. In some locations, this basin will be 15-20' below the current grade which may expose the drainage complex.
c. Can buildings be constructed above the drainage facility?
d. The installation manages flows that do not originate on the site. Is it the expectation that the developers share in its cost while also restricting site utilization?

To reiterate, Civic is severely impacted by the implementation of this amendment, and cannot support its adoption. We appreciate your review of these comments and stand ready to discuss them at your convenience.

Yours truly,

Steve Semingson
Civic Partners

cc: James D. Stroffe
Friedman Stroffe & Gerard
19800 MacArthur Blvd., Ste. 1100
Irvine, CA 92612

Response to Letter 11

Civic Partners

11-1. This comment provides a history of Civic Partners-Elsinore, LLC, their past involvement in the East Lake Specific Plan (ELSP) site, as well as proposed projects. The comment notes the expense of developing in the ELSP site, as well as Civic Partners' investment in future projects including the development of a conceptual plan for proposed Planning Area 6 (PA 6) and associated land acquisitions and preliminary studies to realize their conceptual plan for PA 6. This comment is noted. No further response or action is necessary.

11-2. The comment indicates that recreational uses alone cannot provide sufficient income to support a development of any kind; and that substantial development density is required in order to amortize the excessive cost of creating developable land, and that a mix of commercial uses is required to attract funding sources. The comment describes City-wide and regional economic benefits that could result from Civic Partner's proposed development. These comments are acknowledged. As a result of this input, Section 10.4.2. Minor Modifications to the Specific Plan has been revised. The concept of Development Intensity Transfer and Caps have been eliminated. Instead, a project-related increase in the development potential within Planning Areas 2, 3, 6 and 8 may be processed concurrently with a design review application and without a specific plan amendment, subject to certain limitations as detailed in Section 10.4.2.2. No changes to development targets in PA 6 have been incorporated into the ELSPA No. 11. Given that these comments are not concerned with the content or adequacy of the EIR, no further response or action is necessary.

11-3. The comment indicates that Civic Partners received a Notice of Availability related to the Draft Environmental Impact Report (DEIR), and they claim to have repeatedly requested to participate in the process and have not been afforded an opportunity by the City to be involved to date. Both the City's consultant and Staff met with Civic Partners often in 2016 and 2017, before the opportunities and constraints of the ELSP area were analyzed, as well as after the Draft design was prepared. In November 2016, the City distributed a Notice of Preparation (NOP) for the project beginning the Draft EIR process, including distribution of the NOP to the State Clearinghouse Office of Planning and Research, public agencies, utility and service providers, Riverside County Clerk/Recorder, adjacent jurisdictions, and interested parties in the Project vicinity, including Civic Partners. No formal comments on the NOP were received from Civic Partners during the scoping comment period. A public scoping meeting was held on December 1, 2016 at 5:00 PM to provide the public and agencies an opportunity to comment on the proposed Project and provide input on the scope of analysis for the EIR. As indicated above, the City has provided Civic Partners as well as other stakeholders and interested parties with opportunities to participate in the development of the ELSPA No. 11 and DEIR.

11-4. The comment states that the ELSPA No. 11 is too restrictive and makes it unlikely that there would be financing available, and claims that the ELSPA No. 11 would render much of Civic Partners' property and previous work "valueless". This comment is acknowledged. Please see Response 11-2 for a discussion of a project-related increase in the development potential within Planning Areas 2, 3, 6 and 8.

No changes to development targets in PA 6 have been incorporated into the ELSPA No. 11. Given that this comment pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

The comment also includes a bulleted list of comments related directly to the Specific Plan, as summarized below.

1. The comment states that the maximum density is too low, and will not allow developers to overcome the excessive costs of development in the ELSP site. This comment is acknowledged; however, no changes to development targets in PA 6 have been incorporated into the ELSPA No. 11. Given that this comment pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

2. The comment requests that the allowable uses for the entire T-Island in PA 6 not be limited and allow for recreational and commercial uses. This comment is acknowledged; however, no changes to development targets in PA 6 have been incorporated into the ELSPA No. 11. Given that this comment pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

3. The comment states that Phasing for PA 6 allows only for recreational uses and amenities, and requests that commercial, hotel, and restaurant square footage be allowed in Phase 1. This comment is acknowledged. As a result of this comment, the Phasing section of the ELSP has been modified with statements that the two phases of development do not necessarily indicate the sequence in which the ELSP will build out. For example, development identified as Phase 2 may actually develop prior to or concurrently with development identified as Phase 1. Development will occur in response to market demands and in accordance with the installation of infrastructure necessary to serve the development, including but not limited to roadways, public utilities including sewer availability, and regional drainage facilities. However, changes in development phasing would be subject to additional environmental review consistent with ELSPA No. 11 Section 10.7. Given that this comment pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

4. The comment states that the 350-foot buffer between the mitigation area (PA 5) and Action Sports, Tourism, Commercial, and Recreation land uses renders two of Civic Partners' parcels commercially undevelopable. The commenter's concerns related to development potential within the Active Recreation, Tourism, Commercial and Transition area are noted. Commercial uses are included in this designation in the ELSP. Please see Section 2.5.2 of the ELSPA No. 11 for a detailed list of permitted uses and conditionally permitted uses within this area. Given that this comment pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

5. The comment states that the Line E-1 Storm Drain System, specifically Line E-1-1, crosses Civic Partners' property, and asks several specific questions related to the proposed facility.

    a. The comment asks if the location of Line E-1-1 is fixed. The location of Line E-1-1 is generally identified in the EIR and ELSPA No. 11; however, the precise alignment of this facility shall be determined through the City's Design Review Process. No further response or action is needed per this comment.

    b. The comment asks at what depth will the Line E-1-1 be placed. Line E-1-1 is defined in ELSPA No. 11 Section 5 Drainage as a single cell with a depth of 6 feet, reinforced concrete box. As an undergrounded facility, construction is permitted above it. However, buildings are discouraged unless adequate access for maintenance and repair is provided. As noted in mitigation measure MM HWQ-5, all drainage facilities shall conform to the requirements and standards of the City of Lake Elsinore and the Riverside County Flood Control and Water Conservation District.

    c. The comment asks if buildings can be constructed above the drainage facility. Please see Response to Comment in 5.b. above.

    d. The comment asks whether developers with property along Line E-1-1 will be required to share in the cost of the stormwater facilities, even though they are regional-serving facilities. All future implementing development projects would be required to comply with the Lake Elsinore Municipal Code, including Sections 16.34 and 16.72. As discussed in DEIR Section 5.15, surface runoff generated by future implementing development projects within the Project site will be collected by facilities that will be designed by the project's applicant in accordance with federal, state and local laws and regulations once these projects are proposed and project-level studies are prepared, including applicable hydrology studies, drainage studies, and/or Water Quality Management Plans. As noted in mitigation measure MM HWQ-5, all drainage facilities shall conform to the requirements and standards of the City of Lake Elsinore and the Riverside County Flood Control and Water Conservation District. Required development fees will be collected from future projects to support the City's Storm Drainage Improvement Fund (Lake Elsinore Municipal Code Chapter 16.34.060), which has been established for the exclusive purpose of developing a storm drainage master plan and a storm drain system. Also, future implementing development projects would be required to pay drainage district fees, which would support construction of drainage facilities called for in the master plan within the drainage area, as described in more detail in Lake Elsinore Municipal Code Chapter 16.72. The commenter may be able to make use of provisions in Lake Elsinore Municipal Code Chapter 16.72.100, which provides for credit and reimbursement to developers in certain instances when a developer constructs a facility or a portion of a facility indicated on the master plan. No further response or action is necessary.

Comment Letter 12 – Michael Alder Realty Investments

ADLER
REALTY INVESTMENTS

Letter 12
Page 1 of 2

June 1, 2017

RECEIVED
JUN 02 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

Re: Comments on DEIR for the East Lake Specific Plan proposed amendment

Dear Mr. MacHott,

I am the owner of 20 acres of land on Mission Trail. Parcel Numbers:

365-030-004, -005, -006, -007, -016, -017, -018, -019, -020, -022, -023, -027, -028, -029, -030, -031, -032, -033, -034, -035, -037, -046. -015

See map below for location.

12-1

21031 Warner Center Lane • Suite C • Woodland Hills, California • Telephone: 818-884-2200 • Fax: 818-884-2205
www.adler-realty.com

We have spent hundreds of thousands of dollars entitling the property for multi-family residential development. Specifically, until mid 2012, we had approvals to develop a 211 unit senior housing condominium project. While at the time, the market was not conducive to develop the property as designed, the housing market has been nicely recovering, and we believe that residential uses are again becoming a viable option for our property and those to the north of ours along Mission Trail.

I support the City's concept of adding area within the city for Action Sports, Tourism, Commercial and Recreation uses in the East Lake Specific Plan area, but there is only so much land in the city that is needed for those uses. So I want to make sure that the adopted plan includes the proposed Mixed Use overlay as shown on your April 14th draft Specific Plan along Mission Trail, which will allow residential uses as well.

12-1 cont.

One comment I have regarding the Mixed Use Overlay Development Standards Table 2-12 is that small lot detached housing (the next step up from townhome communities) will be difficult to build with the setback standards outlined. Consideration may be warranted for a different set of setbacks for this type of project.

My second comment pertains to light industrial uses. Although the intent of any commercial/industrial development on my property (if I choose to go in that direction) would be focused on the Action Sports, Tourism, Commercial and Recreation industry, but for practicality purposes, general light industrial uses should also be allowed. It is very difficult to obtain a construction loan for a project that has very limited use restrictions. Even if we lease to an Action Sports tenant initially, as trends change and tenants move out, we don't want to find ourselves sitting on a vacant building that can't be re-leased.

As a property owner in the planning area I am hoping that you consider my comments.

Sincerely,
ARI Lake Elsinore, LLC

Michael Adler
adler@adler-realty.com
818-884-2200

21031 Warner Center Lane · Suite C · Woodland Hills · California · 91367 · Telephone: 818-884-2200 · Fax: 818-884-2205
www.adler-realty.com

Response to Comment Letter 12

Michael Alder Realty Investments

12-1. The commenter stated they support the Mixed-Use overlay along Mission Trail but suggested using different setbacks from those listed in the East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11) Table 2-12. The commenter also requested adding general light industrial uses to those permitted in the Mixed-Use Overlay. These comments are acknowledged; however, they pertain to the provisions of the ELSPA No. 11 and are not concerned with the content or adequacy of the EIR. As described in the Response to Comment 7-1, Table 2-12 was revised in order to clarify the setback requirements for the different types of development allowed in the Mixed-Use Overlay; however, there was no change in the maximum intensity of development allowed by the ELSPA No. 11 as analyzed by the Draft Environmental Impact Report (DEIR). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 13 – Paulie Tehrani and Sharon Gallina

Letter 13
Page 1 of 10

Richard J. MacHott, LEED Green Assoc.

Subject: FW: Paulie Tehrani and Sharon Gallina comments regarding the Eastlake Specfic Plan

From: MICHAEL AND PAULIE [mailto:GREATFULL@msn.com]
Sent: Thursday, June 01, 2017 11:42 AM
To: Grant Taylor <gtaylor@Lake-Elsinore.org>; Susan M. Domen, MMC <sdomen@lake-elsinore.org>
Cc: Linda R - Lake Elsinore <geneandlinda@hotmail.com>; Pamela Nelson (Sierra Club) <pamela05n@yahoo.com>; Dan Silver <dsilverla@me.com>; colin@coastkeeper.org; center@biologicaldiversity.org
Subject: Paulie Tehrani and Sharon Gallina comments regarding the Eastlake Specfic Plan

Dear Grant Taylor and Planning Commissioners:

Our names are Paulie Tehrani and Sharon Gallina and and we live in Alberhill Ranch a community in Lake Elsinore and have many concerns regarding the East Lake Specific Plan, Amendment No. 11 Project. Sharon and I see many problems with this plan and are against any type of approval at this time. We have been privy to our friends Linda Ridenours' letter addressed to you and we want the City to address all these issues before anything is approved. We are firm in our belief that this project has a lot of issues which need to be addressed before the planning commission can seriously look at it much less approve it.

Thank you for your kind time and attention to this matter.

Paulie Tehrani and Sharon Gallina
4036 and 4011 Ash Street
Lake Elsinore, CA 714/795-8731

13-1 BELOW IS A REFERENCE TO LETTER 10 (Linda Ridenour)

Draft April 14, 2017 #2016111029

I am concerned that this plan presents a "unique sporting experience"without considering all the developmental regulations. There have been a number of environmental changes since the original study in 1993. In the process of streamlining the developmental process to benefit the private sector, the public good may have been neglected.

In the original Amendment #1, approved on February 10, 1996, open space was increased. Amendment #2 increased to percentage of land allocated for wetlands mitigation and open space. This increase was nullified by Amendment #8 . Further Amendments #3 and #4 changes parcels from East Lake Specific Plan (ELSP) to Limited Industrial. Amendment #5 removed 77 acres from (ELSP) for the Water's Edge Specific

1

Response to Comment Letter 13

Paulie Tehrani and Sharon Gallina

13-1. The commenters expressed their support of the letter from Linda Ridenour (Letter No. 9) and included a copy of the text of that letter. The support of Linda Ridenour's letter is noted. Please see the Responses to Comments for Letter No. 9.

Comment Letter 14 – Rosenthal and Marash

Letter 14
Page 1 of 2

ROSENTHAL & MARSH, LLP

RICHARD M. ROSENTHAL*
GREGORY MARSH
ASHLEY BRIEN

* A PROFESSIONAL CORPORATION

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SENDER'S E-MAIL:
rmr@rosenthalmarshlaw.com
www.rosenthalmarshlaw.com

June 1, 2017

Via E-Mail
And U.S. Postal Service To:

Richard J. MacHott, Planning Manager
City of Lake Elsinore – Planning Division
130 South Main Street
Lake Elsinore, CA 92530

rmachott@Lake-Elsinore.org

RECEIVED
JUN 01 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Re: East Lake Specific Plan, Amendment No. 11, April 14, 2017 Draft ("Amendment No. 11")

Dear Mr. MacHott:

This office represents The Development at Mission Trails – Lake Elsinore, LLC, a California limited liability company (the "Owner"). I also serve as the manager of said LLC. Owner holds title to four parcels of raw and undeveloped land around the intersection of Mission Trails and Corydon Road in Lake Elsinore, as follows: APN's 370-050-020, 370-050-030, 370-050-026, and 370-050-019 (collectively, the "Property"). This Property appears to be situated within Planning Area 2 and identified with a "Mixed Use Overlay" (as provided in Amendment No. 11).

14-1 Provided that Amendment No. 11 will not reduce or otherwise negatively affect Owner's existing zoned retail use rights, I submit this letter on Owner's behalf in support of Amendment No. 11 (as well as the corresponding draft Environmental Impact Report dated as of April, 2017). Though no development or plans for development have commenced for the Property, Owner greatly supports Amendment No. 11 since it will allow greater flexibility in future developments, and streamlines the development process. Said flexibility and streamlining will only serve to benefit the areas affected by the Amendment by allowing landowners greater ease and efficiency in development, and broader options for such development. This will create excellent incentive for further investment into the area resulting in influx of development, businesses, residential ownership, and related uses (all as cogently noted in draft Amendment No. 11).

I am informed that a Planning Commission meeting is scheduled for June 20, 2017, to review Amendment No. 11 and related issues and documents. Please advise if you require any further information or input from Owner in connection with the June 20 meeting or otherwise. We are also available to attend that meeting if needed.

F:\Clients\The Development at Misson Trails - Lake Elsinore, LLC\Rezoning\Corr\6.1.17 Ltr to Richard MacHott.doc

Letter 14
Page 2 of 2

ROSENTHAL & MARSH, LLP
ATTORNEYS AT LAW

Richard J. MacHott, Planning Manager
June 1, 2017
Page 2

Sincerely,

RICHARD M. ROSENTHAL
RMR:llb
Cc: Client

F:\Clients\The Development at Mission Trails - Lake Elsinore, LLC\Rezoning\Corr\6.1.17 Ltr to Richard MacHott.doc

Response to Comment Letter 14

Rosenthal and Marash

14-1. The commenter submitted his comments on behalf of an owner of property that is located within the East Lake Specific Plan boundary. On behalf of the owner, the commenter supports East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11) and the corresponding Draft Environmental Impact Report (DEIR), provided Amendment No. 11 will not reduce or negatively affect the owner's existing zoned retail use rights. This comment is acknowledged. The comment does not pertain to the content or adequacy of the DEIR. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 15 – Rod K. Oshita

FAIRWAY
COMMERCIAL PARTNERS

Letter 15
Page 1 of 1

June 1, 2017

RECEIVED
JUN 02 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Mr. Richard J. MacHott
Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, Ca 92530

Re: East Lake Specific Plan, Amendment No 11

Dear Richard,

15-1 Per the Public Review Period provided by the Draft Environmental Impact Report I am providing the following comments.

As way of information I am providing these comments as Development Manager for ARI Lake Elsinore, LLC., the owner of approximately twenty acres located in the Eastlake Specific Plan, north of Corydon Road, east of Grand Avenue, west of Mission Trail, and south of Stoneham Street. Furthermore, I am the Developer of Fairway Business Park, a twenty acre project currently under construction off of Chaney Street in the City of Lake Elsinore.

The contemplated rezoning of the property considers Action Sports, Tourism, Commercial and Recreation with a Mixed Use Overlay. What is unclear, and we would think be very beneficial to the City and the Eastlake Plan, is allowing light industrial uses within the Action Sports, Tourism, Commercial and Recreation land use description. As an active developer in the City we are seeing exceedingly strong demand with very limited supply. As exemplified by the Corydon area, the uses are compatible, complement, and support the idea of action sports. We believe those type of uses would work well on our site and expedite development of the area.

We thank you in advance for your consideration

Sincerely,

Rod K. Oshita
roshita@fairwaypartners.net

phone 310.939.7102 fax 310.939.7104 address 1601 N. Sepulveda Blvd. Suite 401 Manhattan Beach, CA 90266

Response to Comment Letter 15

Rod K. Oshita

15-1. The commenter suggested allowing light industrial uses within the Action Sports, Tourism, Commercial and Recreation land use description. This comment is acknowledged; however, it pertains to the provisions of the East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11) and is not concerned with the content or adequacy of the Draft Environmental Impact Report (DEIR). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 16 – South Coast Air Quality Management District (SCAQMD)

Letter 16
Page 1 of 4

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

SENT VIA E-MAIL AND USPS:
rmachott@lake-elsinore.org
Richard MacHott, Planning Manager
City of Lake Elsinore, Planning Division
130 South Main Street,
Lake Elsinore, CA 92530

June 1, 2017

Draft Environmental Impact Report (Draft EIR) for the Proposed East Lake Specific Plan Amendment No. 11 Project

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

Project Description and Air Quality Analysis

16-1 The Lead Agency proposes to amend the existing East Lake Specific Plan (ELSP). The ELSP is a guide for the development of approximately 2,950 acres at the southern end of the City of Lake Elsinore. The proposed project may include a mixture of recreational, action sports, concert venue, commercial, industrial, residential, and preservation uses. In the Air Quality Section, the Lead Agency quantified the proposed project's construction and operational air quality emissions and compared those emissions to the SCAQMD's regional and localized air quality CEQA significance thresholds to determine the significance of air quality impacts. Based on the analyses, the Lead Agency found that the proposed project's construction and operational air impacts would be significant and unavoidable after mitigation[1].

SCAQMD's 2016 Air Quality Management Plan

16-2 On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP), which was later approved by the California Air Resources Board of Directors on March 23rd. The 2016 AQMP[2] is a regional blueprint for achieving air quality standards and healthful air in the South Coast Air Basin. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and lays out the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to reduce an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent reduction in NOx emissions beyond 2031 levels for ozone attainment.

As described in the 2016 AQMP, achieving NOx emission reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable, and SCAQMD staff believes that the proposed project plays an important in supporting SCAQMD's commitment. As such, SCAQMD staff recommends additional mitigation measures to further reduce air emissions, particularly from NOx. Please see the attachment for more information.

16-3 Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the certification

[1] Draft EIR, Section 5.2 – Air Quality, Page 5.2-17 and 18.
[2] South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Available at: http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan.

Letter 16
Page 2 of 4

Mr. Richard MacHott June 1, 2017

16-4 of the Final EIR. Further, when the Lead Agency makes the finding that the recommended mitigation measures are infeasible, the Lead Agency shall describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

16-5 SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, CEQA IGR Section, at (909) 396-2448, if you have any questions regarding the enclosed comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

LS:JC
RVC170425-10
Control Number

2

ATTACHMENT

16-6 1. CEQA requires that all feasible mitigation measures and project design features that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant impacts. The Draft EIR included five air quality mitigation measures (MM AQ-1 through MM AQ-5). To further reduce the significant construction and operational air quality impacts, particular from NOx, SCAQMD staff recommends the following mitigation measures that the Lead Agency should include in the Final EIR. Additional information on potential mitigation measures as guidance to the Lead Agency are available on the SCAQMD CEQA Air Quality Handbook website[3].

Construction Mitigation Measure

16-7 2. Require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export), and if the Lead Agency determines that 2010 model year or newer diesel haul trucks cannot be obtained, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements.

Operational Mitigation Measures

3. In addition to the construction mitigation measure identified in Comment No. 2, the Lead Agency should incorporate the following mitigation measures to further reduce the proposed project's operational air quality impacts.

16-8

a) Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the project site to generate solar energy for the facility.

b) Use light colored paving and roofing materials.

c) Install light colored "cool" roofs and cool pavements.

d) Improve walkability design and pedestrian network.

e) Increase transit accessibility and frequency by incorporating Bus Rapid Transit lines with permanent operational funding stream.

f) Limit parking supply and unbundle parking costs. Lower parking supply below ITE rates and separate parking costs from property costs.

g) Require use of electric lawn mowers and leaf blowers.

h) Require that 240-Volt electrical outlets or Level 2 chargers be installed in residential garages on-site that would enable charging of NEVs and/or battery powered vehicles.

i) Require at least 5% of all commercial vehicle parking spaces include EV charging stations. At a minimum, electrical panels should appropriately sized to allow for future expanded use.

[3] South Coast Air Quality Management District. http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook

16-8 cont.

j) Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the proposed project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

Response to Comment Letter 16

South Coast Air Quality Management District (SCAQMD)

16-1. The commenter states that the comments provided in their letter are meant as guidance for the City of Lake Elsinore and should be incorporated in the Final Environmental Impact Report (FEIR). The comment goes on to summarize the project description and the significance determinations made for air quality in the Draft Environmental Impact Report (DEIR). Given that these comments are not concerned with the content or adequacy of the DEIR, no further response or action is necessary.

16-2. This comment provides a general overview of information related to the SCAQMD's 2016 Air Quality Management Plan, as well as the air quality challenges specific to the South Coast Air Basin. The commenter requests that additional mitigation measures described in the comment letter's "Attachment" be included to further reduce air emissions, particularly from nitrogen oxide (NOx), in order to achieve National Ambient Air Quality Standard (NAAQS) for ozone attainment for years 2023 and 2031. The comment is acknowledged; and a response to the commenter's request for specific mitigation is addressed below under responses to comments 16-8 and 16-9.

16-3. The commenter requests that pursuant to Public Resources Code (PRC) Section 21092.5, the Lead Agency, the City of Lake Elsinore, provide the SCAQMD with written responses to all comments in the SCAQMD comment letter prior to certifying the FEIR. The comment is noted. As Lead Agency for this Project, the City of Lake Elsinore will comply with all CEQA provisions (e.g. PRC Section 21092.5, CEQA Guidelines Section 15088) by providing a written response to all public agencies on comments made by the public agency at least 10 days prior to certifying the environmental impact report. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

16-4. In addition, the comment requests that the Lead Agency describe the specific reasons for rejecting any recommended mitigation measures which are determined to be infeasible. The comment is acknowledged; and a response to the commenter's request is addressed below under responses to comments 16-8 and 16-9.

16-5. The commenter states that SCAQMD staff are available to work with the Lead Agency if needed. The comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

16-6. The commenter states that CEQA requires all feasible mitigation measures and project design features that go beyond what is required by law be utilized. The commenter also states that the DEIR included five air quality mitigation measures, which SCAQMD staff recommend supplementing with additional measures to further reduce the significant construction and operational air quality impacts of the Project. These comments are acknowledged; and a response to the commenter's request for specific mitigation is addressed below under responses to comments 16-8 and 16-9.

16-7. The commenter provides suggested language for a construction mitigation measure that requires use of 2010 or 2007 model year or newer diesel haul trucks. This mitigation measure has been incorporated into the FEIR mitigation measure MM AQ-1 under Exhaust Emissions bullet number 23. The precise language has been adapted as follows:

> 23. Require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export), and if 2010 model year or newer diesel haul trucks cannot be obtained, the City shall require use of trucks that meet EPA 2007 model year NOx emissions requirements. Example verification includes making this provision a part of the construction contractor's bid package, construction contract, or hauling permit.

16-8. The commenter provided ten suggested operational mitigation measures related to air quality. These suggested mitigation measures as well as a brief discussion of feasibility related to each.

a) The commenter recommends a mitigation measure be included as follows:

"Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the project site to generate solar energy for the facility."

Section 2.4.1 of the proposed East Lake Specific Plan Amendment No. 11 (ELSPA No. 11) (Specific Plan Development Requirements) includes Development Requirement 27.c, which provides that solar photovoltaic system and/or solar water heating may be used to assist in meeting all or a portion of the 15% CAP requirement. Additionally, in response to this comment and Center for Biological Diversity's Comment 17-59, Section 2.4.1 is amended by adding a new subparagraph f to Development Requirement 27 as follows:

> f. All new multi-family residential, commercial and industrial development shall include solar photovoltaic systems that meet at least 50 percent of the development's projected energy use.

b) The commenter recommends a mitigation measure be included as follows:

"Use light colored paving and roofing materials."

Section 2.4.1 of the proposed East Lake Specific Plan Amendment No. 11 (ELSPA No. 11) (Specific Plan Development Requirements) includes Development Requirement 27.b which requires:

> b. Non-residential buildings constructed in the Specific Plan shall use roofing materials having solar reflectance, thermal emittance of Solar Reflectance Index (SRI) 3 or better, consistent with CalGreen Tier 1 values.

c) The commenter recommends a mitigation measure be included as follows:

"Install light colored "cool" roofs and cool pavements."

Section 2.4.1 of the proposed East Lake Specific Plan Amendment No. 11 (ELSPA No. 11) (Specific Plan Development Requirements) includes Development Requirement 27.b which requires:

b. Non-residential buildings constructed in the Specific Plan shall use roofing materials having solar reflectance, thermal emittance of Solar Reflectance Index (SRI) 3 or better, consistent with CalGreen Tier 1 values.

d) The commenter recommends a mitigation measure be included as follows:

"Improve walkability design and pedestrian network."

The proposed ELSPA No. 11 includes a plan for "non-vehicular circulation" in Section 4.5, which includes bikeways and a pedestrian trails network. Additionally, DEIR mitigation measure MM AQ-5 requires all implementing development projects to be conditioned to "[p]rovide safe, appropriately lighted, and attractively landscaped physical linkages between land uses that encourage bicycling and walking as alternatives to driving through the provision of bike lanes and/or walking paths. No further response or action is required.

e) The commenter recommends a mitigation measure be included as follows:

"Increase transit accessibility and frequency by incorporating Bus Rapid Transit lines with permanent operational funding stream."

Bus service within the City of Lake Elsinore is provided by the Riverside Transit Agency (RTA). The City has no authority over RTA operations; however, the Project site would continue to be served by RTA's Route 8: Lake Elsinore, Wildomar Loop Route (DEIR page 5.14-98). In addition, dedicated shuttle drop-off point(s) and/or bus stop(s) at new Action Sports, Tourism, Commercial and Recreation facilities with connections to Malaga Drive, Lucerne Street or Cereal Street would be required per mitigation measure MM AQ-5 (see section 5.2.9, Air Quality). No further response or action is required.

f). The commenter recommends a mitigation measure be included as follows:

"Limits parking supply and unbundle parking costs. Lowering parking supply below ITE rates and separate parking costs from property costs."

The concept of unbundled parking supply and costs involves the separation of the cost of parking from the sale or rental of offices and housing. The lowering parking supply and separation of parking costs from property costs can result in a reduction in the cost of housing in metropolitan areas where opportunities for alternative forms of transportation can be substituted for automobile ownership. However, the City of Lake Elsinore is not a metropolitan city that has ample alternative forms of transportation such as multiple bus lines and rail. For this reason, this mitigation measure has been determined to be infeasible. Nevertheless, the parking requirements set forth in Chapter 17.148 of the

Lake Elsinore Municipal Code (LEMC) allows the use of shared parking (LEMC Section 17.148.070) and the ability to reduce the number of required parking spaces for commercial or industrial projects with the preparation of a parking study (LEMC Section 17.148.030.D). No further response or action is required.

g) The commenter recommends a mitigation measure be included as follows:

> "Require the use of electric lawn mowers and leaf blowers."

This requested mitigation measure would require the City to regulate the conduct of the owners of residential, commercial, industrial, action sports and other uses in a manner that cannot be enforced. This is because enforcement would require the City to monitor the landscape maintenance activities of potentially thousands of homeowners and property owners seven days a week during all daylight hours to assure that only electric lawn mowers and leaf blowers are used. For this reason, this measure is considered to be infeasible. No further response or action is required.

h) The commenter recommends a mitigation measure be included as follows:

> "Requires that 240-Volt electrical outlets or Level 2 chargers be installed in residential garages on-site that would enable charging of NEVs and/or battery powered vehicles."

The California Building Code (CalGreen) requires that all garages have conduit and an electrical box to be installed in order to accommodate future wiring of the garage for the charging of NEVs and/or battery powered vehicles. The reason that the garages are not pre-wired is that different types of chargers require different voltages (e.g. 120-volt, 240-volt). Without knowing the charger requirements of future homeowners, installation of 240-Volt electrical outlets or Level 2 chargers during construction could result in homeowners not being able to use the installed charger. For this reason, this mitigation measure is considered infeasible. No further response or action is required.

i) The commenter recommends a mitigation measure be included as follows:

> "Require at least 5% of all commercial vehicle parking spaces include EV charging stations. At a minimum, electrical panels should be appropriately sized to allow for future expanded use."

In response to this comment, Section 2.4.1 (Specific Plan Development Requirements) of the proposed Project (ELSPA 11) is amended by adding a new subparagraph h to Development Requirement 27 as follows:

> <u>h. All non-residential development shall install electric vehicle charging stations at a minimum of five percent (5%) of its parking spaces.</u>

j) The commenter recommends a mitigation measure be included as follows:

> "Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the proposed project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in."

Please see the above responses to proposed mitigation measures h. and i.

Comment Letter 17 – Center for Biological Diversity

Via Electronic Mail and USPS (w/attachments)

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

Re: East Lake Specific Plan, Amendment No. 11, SCH No. 2016111029

Dear Mr. MacHott:

17-1 These comments are submitted on behalf of the Center for Biological Diversity regarding the Draft Environmental Impact Report ("DEIR") for the East Lake Specific Plan, Amendment No. 11 (the "Project"). The Project is anticipated to result in many significant environmental impacts that will degrade the current ecosystems on the Project site and reduce the health and quality of life in the surrounding community. Yet, the CEQA mandated environmental review for the Project is not adequate and fails to comply with the requirements of the statute. For the reasons detailed below, we urge approval of the Project be denied, or at the very least substantial revisions to the DEIR to better analyze, mitigate or avoid the Project's significant environmental impacts.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Riverside County.

I. The DEIR Does Not Adequately Analyze The Project's Impacts On Air Quality.

17-2 Air quality is a significant environmental and public health concern as unhealthy, polluted air contributes to, and exacerbates, many diseases and mortality rates. In the U.S., government estimates indicate that between 10-12 percent of total health costs can be attributed to air pollution. (VCAQR 2003) Many plants and trees, including agricultural crops, are injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests to direct mortality. (VCAQR) Wildlife is also impacted by air pollution as the plants and trees that comprise their habitats are weakened or killed. Aquatic

17-2 cont. species and habitats are impacted by air pollution through the formation of acid rain that raises the pH level in oceans, rivers and lakes. (EPA 2016) Greenhouse gases, such as the air pollutant carbon dioxide which is released by fossil fuel combustion, contribute directly to human-induced climate change. (EPA 2016) In this feedback loop, poor air quality that contributed to climate change will in turn worsen the impacts of climate change and attendant air pollution problems. (BAAQMD 2016)

17-3 Some of the nation's most polluted counties are in Southern California with Riverside continually topping the list. (ALA 2016) Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as there areas are more affordable. (BAAQMD 2016; ALA 2016) Pollution sources include transportation, industry and manufacturing, construction, the importation and movement of goods, and energy development. Transportation presents one of the most significant sources of pollution in urban areas, where large segments of the population are constantly exposed to roads and traffic. (BAAQMD 2016; Newman)

17-4 Although there are many different types of air pollution, Ozone, Fine Particulate Matter and Toxic Air Contaminants are of greatest concern in urban areas, particularly Southern California. These three air pollutants have been linked to an increased incidence and risk of cancer, birth defects, low birth weights and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke and heart attack. (Laurent 2016; ALA 2016) Ozone, also commonly referred to as smog, is created by the atmospheric mixing of gases resulting fossil fuel combustion and other volatile organic compounds and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2016) Fine Particulate Matter is generally found in urban areas as a result of vehicle exhaust emissions, and these microscopic particles are what contribute to visible air pollution. These tiny participles are dangerous because they are small enough to escape out body's natural defenses and enter the blood stream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. (VCAQR 2003) Fine Particulate Matter can also result from ash caused by forest fires, which will continue to impact that living in the urban-wildland interface and increasingly beyond as climate change exacerbates the risk of forest fires. (BAAQMD 2016) Toxic Air Contaminants are released from vehicle fuels, especially diesel, which accounts for over 50% of the cancer risk from TACs. (BAAQMB 2016) This is especially relevant for Southern California with its abundance of diesel shipping traffic. (Bailey; Betancourt 2012)

17-5 Urban infill is an effective plan for reducing the air pollution and greenhouse gas emission resulting from heavy reliance on vehicles. Centrally locating housing, shopping and places of employment reduces vehicle miles travelled and new road construction. With fewer roads and less traffic, it will be less likely that housing will be located near busy, polluting roads, which is a large source of exposure. (BAAQMD 2016) Infill planning also allows for realistic promotion of alternative transportation such as walking or biking. Public transportation options should be converted or retrofitted to clean fleets. A life-cycle assessment of the entire project

17-5 cont. should be conducted to inspect the totality of the resultant air pollution, from manufacturing of the materials to their transport to the site, and beyond. (BAAQMD 2016; Ghattas 2013)

A. The DEIR does not disclose or analyze the air quality impacts of the Project.

17-6 The DEIR's air quality impacts analysis is flawed because it fails to establish a proper baseline. While the DEIR does account for the existing Skylark Airport emissions in assessing the baseline (DEIR at 5.2-15), the Air Quality Technical Report lists a "baseline" land usage of a city park, golf course, racquet club, 325 acres of low rise apartments and 911 acres of single family housing. (Appx. E at Appx. A at 1.) The DEIR needs to clarify what the proper baseline is based upon existing conditions – not hypothetical conditions based upon a current or previous proposed version of the Project.

17-7 The DEIR fails to take into account all sources of air quality impacts resulting from the Project. In the CalEEMod tables listed in Appendix A of Appendix E, it appears that the "Project Location" was only set to the "South Coast AQMD Air District." While CalEEMod does allow the selection of an air district as the "Project Location," there is a more specific location selection feature.[1] The CalEEMod calculations also included a "project characteristic" as "Urban." Given Lake Elsinore's fairly remote location as compared to larger urban centers, it is not clear this is the correct designation. In accordance with the CalEEMod User's Guide, the City "should contact the local air district for the region where the project is located for guidance on the appropriate Land Use Setting to select."[2] Given that South Coast Air Quality Management District's ("SCAQMD") is the local air district, the City should consider and disclose SCAQMD's input in this matter.

17-8 There are other gaps or missing analysis in the DEIR. For instance, in discussing Threshold of Significance AQ-A, the DEIR claims that (1) the City's General Plan is consistent with SCAG; (2) SCAG forecasts are used to develop the regional Air Quality Management Plan; and therefore (3) the City's General Plan is consistent with the Air Quality Management Plan. (DEIR at 5.2-16.) The DEIR needs to provide legal authority for the proposition that a Project's mere consistency with the City's General Plan renders the Project consistent with the AQMP. Absent such authority, the DEIR lacks a basis for claiming consistency with the AQMP.

17-9 Similarly, the DEIR contains a heading for Threshold of Significance AQ-B ("Violates any air quality standard or contributes substantially to an existing or projected air quality violation"). However, there is no text or analysis under this heading. The DEIR needs to analyze whether the Project exceeds this threshold of significance.

17-10 In discussing Threshold of Significance AQ-D, the DEIR concedes that the Project would expose sensitive receptors to substantial pollutant concentrations. (DEIR at 5.2-17 & 18.) However, the DEIR does not provide any analysis or detail as to the level of impacts on different

[1] CalEEMod User's Guide, Version 2016.3.1 (Sept. 2016) at 13 (available at http://www.aqmd.gov/caleemod/user's-guide).
[2] CalEEMod User's Guide, Version 2016.3.1 (Sept. 2016) at 16 (available at http://www.aqmd.gov/caleemod/user's-guide).

17-10 cont. types of sensitive receptors. The DEIR's failure to conduct any such assessment – e.g., a health risk assessment – is inconsistent with the SCAQMD recommendations for the Project. SCAQMD stated, "[i]n the event that the proposed project generates or attracts vehicular trips … it is recommended that the lead agency perform a mobile source health risk assessment." (Appx. B at PDF p. 21.) By its own terms, the Project will attract and/or generate 473,696 vehicle miles travelled ("VMT") ***per day***, or over 172 million per year. Such a large development with millions of miles of VMT necessitates the preparation of a health risk assessment.

17-11 The DEIR's discussion of Threshold of Significance AQ-D is further flawed because the DEIR concludes that impacts are "unavoidable" but provides absolutely no evidence supporting this claim. If impacts are indeed unavoidable, then the DEIR needs to provide substantial evidence supporting this claim.

B. The DEIR does not require all feasible measures to mitigate the air quality impacts of the Project.

17-12 The DEIR concedes that the Project will have significant air quality impacts. In light of these major air quality impacts, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." (*Napa Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001) 91 Cal.App.4th 342, 360.) CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code § 21002.1(b).) Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. (*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.) Only when the mitigation measures are "truly infeasible" can the lead agency reject mitigation measures for significant impacts. (*City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341, 369.)

17-13 Despite acknowledging that the Project will result in significant air quality impacts, the DEIR's mitigation measures are vague, deferred, inadequate, and/or unenforceable. For instance, MM AQ-1 vaguely states that developers shall "demonstrate avoidance, to the extent possible" of significant impacts through "regulatory requirements and best management practices." This is little more than a statement that developers shall comply with existing laws and does not constitute a mitigation measure capable of reducing impacts under CEQA. (*See Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17 (compliance with existing environmental laws or regulations is not sufficient to support a finding that a project will not have significant environmental impacts).) MM AQ-1 continues with a laundry list of potential mitigation measures for dust control (items 1-10), but does not expressly require any of these measures. (DEIR at 5.2-24.) MM AQ-1 next contains a list of exhaust emission measures (items 11-22) but again does not actually require any of them. The measures also include language that makes them optional (*e.g.*, "Utilize diesel particulate filter on heavy equipment where feasible.")

17-14 MM AQ-2 requires that the developers prepare health risk assessments in certain circumstances. (DEIR at 5.2-26.) Yet, in the event that such assessments demonstrate significant impacts on sensitive receptors, the DEIR does not require any specific mitigation to limit health

17-14 cont. impacts to sensitive receptors. The DEIR only generally states that "measures shall be required through conditions of approval to reduce impacts to below thresholds" and indicates these measures could include "reduced construction schedules, low-emitting construction equipment, particulate filters" or other measures. (*Id.*) The DEIR does not actually require any of these measures or require that developers demonstrate that impacts to sensitive receptors will be reduced to below significant levels.

17-15 MM AQ-3 contains another list of items, but again they are unacceptably vague and/or unenforceable. (DEIR at 5.2-26.) For example, MM AQ-3 requires that developers exceed Title 24 standards in effect at the time of building permit issuance. But the DEIR does not specify to what extent these standards must be "exceeded." This requirement thus appears to only require that developers comply with building stands in effect when they obtain building permits.

17-16 MM AQ-3 further states that Low-E and ENERGY STAR windows will be required, but only "where feasible." The phrase "where feasible" provides a loophole for any developer to claim a lack of feasibility, resulting in this mitigation measure lacking any enforceability.

17-17 Likewise, MM AQ-4 does not require developers to actually take any concrete steps. While it begins by citing to "green waste collection and recycling programs," it only requires the applicant to identify "potential vendors that provide green waste collection and recycling services." (DEIR at 5.2-27.) Providing a list of vendors does nothing to combat air quality impacts.

17-18 After discussing these mitigation measures, the DEIR again concludes, "Implementation of the Project would result in significant and unavoidable individual project-related and cumulative impacts to air quality potentially during short-term construction and positively during long-term operational phases." (DEIR at 5.2-28.) Once again, the DEIR provides no evidence supporting the claim that such impacts are "unavoidable." Nor does the DEIR demonstrate that all feasible mitigations have been required.

17-19 The DEIR further is inadequate because it does not include an analysis of available mitigation measures for reducing air quality impacts, such as those provided by the California Air Pollution Control Officer's Association and California Office of the Attorney General to reduce GHG emissions, which also facilitate the reduction of criteria pollutants. (Attorney General 2010; CAPCOA 2008). Those mitigation measures, as well as others, should be analyzed as a means to reduce the significant air quality impacts and fully adopted if feasible.

17-20 SCAQMD informed the City of its legal duty to require such mitigation measures in its comments on the Notice of Preparation. SCAQMD stated, "In the event that the project generates significant adverse air quality impacts, ***CEQA requires that all feasible mitigation measures that go beyond what is required by law*** be utilized during project construction and operation to minimize or eliminate these impacts." (Appx. B at PDF p. 21.) Unfortunately, the DEIR appears to only require compliance with existing or future laws instead of requiring all feasible mitigation measures.

17-21 **II. The DEIR Fails To Adequately Analyze Or Mitigate The Impacts Of The Project On Biological Resources.**

A. Habitat destruction is a leading cause of extinction.

17-22 Species diversity is critical for healthy ecosystems, and ensuring habitat integrity if a key component to species survival. (Dobson 1997) Habitat destruct or alteration can increase incidents of wildfire and flooding as the ecosystem becomes imbalanced, making it more susceptible to these events. (Brooks 2004; Nilsson 2000) Developments that convert open space into another use, such as housing, industry, energy or agriculture, negatively impact the species that live in these areas, and the ecosystem as a whole. (Walston 2016; Chaplin-Kramer 2015; Minnich 1998) Many of the species that have potential to occur in the project area are already imperiled or endangered, and further encroachment onto their habitat worsens the threat to their success and survival.

17-23 While the entire habitat may not be converted or destroyed through development, it may be fragmented such that it becomes useless as a habitat for particular species. Even if the habitat remains intact, light and noise pollution can negatively impact the health and reproductive rates of species that are sensitive to these types of pollution. (Slabbekoorn 2008; Longcore 2004) Pollution in the form of pesticides and rodenticides are also a threat, in addition to run-off pollution from roads that impacts water quality and aquatic life and the species that depend on it. (Perez 2007; Miller 2006; Relyea 2005) Roads create habitat fragmentation since they act as dangerous physical barriers that many species won't cross, or are killed or injured if they do. (Poessel 2014; Ware 2015; Brock 2004; Swihart 1984) Additionally, roads facilitate the spread of non-native and invasive species, particularly plants and their seeds, which threaten the survival of species native to these areas. (Gelbard 2003) Fences create another type of habitat fragmentation by reducing mobility and prevent species from accessing all areas that they depend on for survival, or worse, they ensnare the animals that do try to cross them, resulting in injury or death. (Baines 2003; Paige 2008) For many species, climate change will mean the need for adaptation in the form of migration to new habitats that support their needs. Fragmentation or obstruction of this mobility will result in greater mortality. (Scheffers 2016)

17-24 Urban infill projects reuse land that has already been disturbed and that is located near urban centers, thus removing the need for conversion of open space for housing, businesses, shopping, roads and other infrastructure. (Wheeler 2002) These projects are also good candidates for citing distributed solar, further reducing impacts to species and habitat. (Powers 2009) Wildlife corridors, bridges and underpasses can be constructed in places where roads bisect and disconnect habitat and mobility. (Servheen 2007) Fences should be used with an understanding of the impacts they have on species mobility, and should be constructed in such a way as to specifically exclude the target species, not all species. Consideration should be given to the type of fencing and the ways in which species could become entangles, injured or killed. (Paige 2008) Connective corridors between fragmented habitats will enable species to utilize the habitat and retain needed mobility for survival. (South Coast Wildlands 2008) Alternatives to toxic and poisonous pesticides and herbicides should be used whenever possible to reduce harm to species and their habitats. (Litmans 2004).

B. The DEIR does not contain an adequate baseline for biological resources.

17-25 Throughout the Biological Resources section, the DEIR indicates that current conditions and the extent of future impacts are not "currently known." (*See, e.g.*, DEIR at 5.3-32, 35, 39.) The DEIR therefore fails its purpose as an information document. In addition, the DEIR cannot set forth adequate mitigation measures if the impacts of the Project are unknown. And the DEIR cannot serve as a "tiering" document upon which future development occurs if the DEIR fails to identify specific mitigation measures to limit impacts to the greatest extent feasible.

17-26 The DEIR also reveals that the City has not conducted adequate surveys. The DEIR concedes that the plant survey was "not conducted during an appropriate time to observe many of the sensitive plant species with potential to occur onsite." (DEIR at 5.3-7.) By its own terms, the DEIR fails to provide adequate information on existing plant species on site. Only six person days of surveys for plants, animals and federal and state waters were done on December 8 & 14, 2016 & January 6, 2017. This timing is also inappropriate for assessing the faunal surveys for migratory and hibernating species (DEIR at 5.3-1). Furthermore, covering the whole project site and conducting wetland determinations in three days suggest level of floral and faunal surveys were cursory at best. The DEIR should be recirculated after comprehensive surveys are conducted at the appropriate time of year to observe sensitive plant and animal species.

17-27 Additionally, the DEIR failed to include any focused surveys for special status species and instead only included three days of general surveys. (DEIR, Appx. F at 12.) The Technical Report concedes that these surveys "cannot be used to conclusively determine presence or absence of a species…" (*Id.*) The City cannot authorize a massive and long-term development without closely assessing the current conditions and projected impacts of the Project which requires adequate/appropriate surveys for sensitive resources. For example, the least Bell's vireo, a federally and state endangered species, is noted to have "relatively high potential to occur within the Project site within their respective suitable habitats based on recent past observations in the Project site" (DEIR at 5.3-8). The DEIR further identifies that the least Bell's vireo has "potential to occur within the Infrastructure Improvement Areas" (*Id.* at 5.3-8). Protocol level surveys for this species are necessary in compliance with the protocols identified by the U.S. Fish and Wildlife Service.[3] Avoidance of construction during the breeding season alone will not provide adequate safeguards for this migratory species because they depend on relatively dense riparian habitat, which could be reduced or eliminated outside of the breeding season due to construction activities, and fail to regrow to dense enough levels to support least Bell's vireos when they return to breed in the spring.

17-28 While the DEIR states that two burrowing owls were present on the project site (DEIR at 5.3-8), MM-Bio 5 is wholly inadequate to mitigate impacts to burrowing owls. The stronghold for burrowing owls in the Imperial Valley continues to show signs of decline of 21.5% between 2011 and 2012[4]. Because burrowing owls continue to decline throughout California, and now their "stronghold" is documented to be declining, the burrowing owls on this proposed project

[3] https://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/LBVireo.2001.protocol.pdf.
[4] http://www.ivcommunityfoundation.org/media/managed/burrowingowl/Lovecchio_IID_BUOW_Monitoring_Conservation.pdf.

site (and on other adjacent energy projects) become even more important to species conservation efforts including the dwindling populations in western Riverside County and Lake Elsinore. The MSHCP relies on the controversial and unproven avoidance measure of "passive relocation" coupled with conservation of habitat that is occupied by burrowing owls. While "passive relocation" does minimize immediate direct take of burrowing owls, ultimately the burrowing owls' available habitat is reduced, and "relocated" birds are forced to compete for resources with other resident burrowing owls and may move into less suitable habitat, ultimately resulting in "take". The DEIR does not indicate that the required protocol-level surveys for burrowing owl[5] were done. The most recent State guidance for burrowing owl mitigation[6] was also not referenced or incorporated into MM-Bio 5.

17-28 cont.

The DEIR also improperly relies upon the MSHCP to disclose and mitigate impacts on special status species. The DEIR does acknowledge that at least two sensitive plant species have a high potential to occur onsite – the little mousetail and the smooth tarplant. (DEIR at 5.3-7.) The site also supports a very unique soil type - Traver-Domino-Willows soil association and these soils are known to support a variety of rare and endangered plants (DEIR at 5.3-7). Lacking plant adequate surveys, the DEIR just mentions the occurrence of this soil type, but does not evaluate the impact to this important and unique soil type, so the reader is left uninformed of its location, the extent to which this soil type is present on site or an impact analysis. A revised and recirculated DEIR must reveal and analyze the extent and location of these soils. Based on those data, an analysis of potential project impacts must be included.

17-29

Similarly, the DEIR states that multiple special status species of wildlife were either documented on the site or were documented in "recent past observations on the site" (DEIR at 5.3-8), including the two burrowing owls and the least Bell's vireo discussed above. In addition, other species that were also were either documented on the site or were documented in "recent past observations on the site" including the northern harrier, American white pelican, loggerhead shrike, and San Diego black-tailed jackrabbit, California horned lark, and black-crowned night heron. Yet, despite acknowledging the presence of these special status species, the DEIR contains virtually no analysis of the impacts of the Project on these species. As discussed below, the DEIR cannot rely upon the MSHCP to avoid its obligations under CEQA to analyze the impacts to these rare and declining species, especially when the DEIR admits that the Project is not consistent with the MSHCP.

17-30

C. The DEIR fails to adequately analyze or mitigate impacts to vernal pools.

The DEIR states that while vernal pools may exist onsite, no focused surveys have been completed. (DEIR at 5.3-21.) Yet the DEIR identifies "the Australian Vernal Pool" (DEIR at 5.3-50. Instead, the DEIR proposes conducting such surveys "prior to new development." (*Id.* at 5.3-21) The DEIR should require such surveys prior to approval of the Project. While the DEIR states that it identifies "potential vernal pools" in Figure 5.3-5, not only does the documented Australian Vernal Pool not mapped, but no potential vernal pools appear. In

17-31

[5] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline.
[6] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline.

17-32 addition, the DEIR does not propose any avoidance, minimization or mitigation in the event that vernal pools are discovered on areas designated for development.

17-33 The DEIR refers to the Back Basin 770 Agreement and claims that the Agreement excuses the City from conserving acreage in a manner that protects specific habitat or wildlife movement corridors. (DEIR at 5.3-29.) The DEIR must include a copy of the Agreement as an appendix and specifically reference the sections that support this claim. Generally speaking, conserving acreage without regard for specific habitat needs or wildlife movement is not adequate mitigation. And the City cannot "contract out" of its obligations under CEQA by citing to an agreement.

D. The DEIR fails to adequately analyze or mitigate impacts to special status wildlife.

17-34 The DEIR must analyze and mitigate all impacts on special status species, including California Department of Fish and Wildlife ("CDFW") species of special concern. The CDFW defines a species of special concern as a species that, among other things, "is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status."[7] CDFW aims to "achieve conservation and recovery of these animals before they meet California Endangered Species Act criteria for listing as threatened or endangered." (*Id.*) CDFW states that species of special concern "should be considered during the environmental review process." (*Id.*; CEQA Guidelines § 15380(b)(B).) An impact to wildlife is significant where it "substantially reduce[s] the number or restrict[s] the range of an endangered, rare or threatened species." (CEQA Guidelines, § 15065.) CDFW interprets this provision to apply to species of special concern. The City must mitigate significant effects whenever feasible. (Cal. Pub. Res. Code § 21080.5(d)(2)(A).)

17-35 There are a significant number of special status species that are not covered by the MSHCP which will be impacted by the Project:

- ***Western snowy plover***. The DEIR claims that there have been no observations of the western snowy plover in the last 40 years. (DEIR at 5.3-33.) In fact, three western snowy plovers were observed on or very near the proposed project site on July 23, 2016; one along the southwest shoreline, two more along the shoreline north of levee mile marker 2 ¾.[8] These sitings include pictures of the birds. A single bird was observed on July 24, 2016 on the southwest end of the lake[9] and also photodocumented. Clearly the project site provides habitat for this threatened species and the DEIR fails to include an analysis impacts or avoidance, minimization and mitigation for impacts to the plover and its habitat.

- ***American white pelican***. The DEIR claims that no nesting grounds or habitat would be "directly impacted" by the Project and then concludes without any analysis that no

[7] *See* California Dep't of Fish & Wildlife, *Species of Special Concern* (available at https://www.wildlife.ca.gov/Conservation/SSC/).
[8] https://ebird.org/ebird/hotspot/L1743855.
[9] https://ebird.org/ebird/hotspot/L685867.

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"indirect" impacts would occur. (DEIR at 5.3-33.) This logically does not follow because even if no "direct impacts" will occur, there still may be "indirect" impacts. In particular, installing hundreds of acres of development adjacent to habitat for the pelican is likely to indirectly impact the species even if its actual habitat is not destroyed. Furthermore, the DEIR does not analyze or disclose whether nesting grounds or habitat for the American white pelican occur onsite, rendering these conclusions not supported by evidence. In fact, the American white pelican are routinely documented at Lake Elsinore.[10] White pelicans have been photodocumented on the proposed project site as recently as April 27, 2017.[11] The DEIR fails to consider or analyze such impacts.

17-35 cont.

- ***Coast Patch-nosed snake***. The DEIR concedes that potential loss of suitable habitat would occur, but claims that MSHCP conservation requirements would reduce impacts to less than significant. (DEIR at 5.3-33.) This conclusion does not follow because the MSHCP does not apply to the coast patch-nosed snake. The DEIR needs to specifically analyze which habitat areas are at risk of loss for the coast patch-nosed snake and identify which habitat for the snake (if any) will be preserved.

- ***Two-striped garter snake.*** The DEIR states that there is a "low potential" for occurrence of this snake but does not cite any authorities supporting this conclusion.

E. The DEIR fails to adequately analyze or mitigate impacts on the Riverside Fairy Shrimp.

The DEIR states that development would occur in critical habitat for the Riverside Fairy Shrimp, but that the "City would avoid and minimize these impacts to the maximum extent practicable." (DEIR at 5.3-34.) This empty promise does not commit the City to actually ensuring that critical habit is preserved. The DEIR also falsely claims that "in-kind" replacement of habitat elsewhere will mitigate impacts on the species. The DEIR cannot substitute critical habitat with other land and then claim that no impacts will occur. Accordingly, the DEIR lacks evidence for its conclusion that no impacts would occur for the shrimp. The DEIR also fails to consider that intensive development adjacent to fairy shrimp habitat may indirectly impact the shrimp through human disturbances, pollution, runoff, etc. Because Riverside fairy shrimp are obligate vernal pool species, protection of the hydrology of the pool (or pool complex – it is unclear as stated above how many vernal pools are on the project site). Careful identification of the vernal pool watershed must be identified and conserved if the vernal pool and the species that rely on it are to survive in perpetuity. A revised and recirculated DEIR should adopt and implement the recommendations of U.S. Fish and Wildlife Service's Recovery Plan for Vernal Pools of Southern California[12] in order to protect this species and its very rare and dwindling habitat.

17-36

[10] http://www.sandiegouniontribune.com/sdut-pelicans-flocking-to-lake-elsinore-2001nov20-story.html; http://www.pe.com/2014/03/31/lake-elsinore-birds-returning-to-lake/
[11] https://ebird.org/ebird/hotspot/L1743855
[12] https://www.fws.gov/carlsbad/SpeciesStatusList/RP/19980903_RP_Vernal%20Pools%20of%20Southern%20CA.pdf

F. The DEIR fails to set forth adequate or enforceable mitigation measures to protect special status wildlife.

17-37 The DEIR's mitigation measures are not adequate to protect special status wildlife. For instance, for impacts to Waters of the United States ("WOUS"), MM BIO-8 "recommends" mitigation at a 1:1 ratio. By framing such mitigation as a "recommendation," the DEIR indicates that this mitigation measure is not binding upon future developers. As such, it is not enforceable and is not a mitigation measure under CEQA. And even if the non-binding language were removed, a 1:1 mitigation ratio for non-wetland WOUS is plainly inadequate. While the proposed ratio for potential wetland WOUS is 2:1, this is still insufficient. Because impacts to wetlands and WOUS are generally disfavored under the Clean Water Act (and CEQA), the mitigation ratio should be 4:1 or 5:1. Other mitigation ratios set forth in Table 5.3-20 are similarly inadequate. For some vegetation communities, the DEIR does not even propose a 1:1 mitigation ratio. (DEIR at 5.3-59.)

G. The DEIR does not establish that the Project will comply with the MSHCP.

17-38 The DEIR needs to specifically discuss these MSHCP mandated Guidelines with regards to the protected species at issue. In addition, substantial recent data needs to be provided as to the expected success of avoidance and mitigation measures in this particular instance for this species. The DEIR cannot simply conclude without analysis that MSHCP compliance will result in a less than significant impact, and instead needs to demonstrate this outcome through scientific data that takes into account the unique characteristics and habitat needs for the species at issue, and utilizes such information in determining impacts.

17-39 The DEIR inappropriately defers to the MSHCP for its analysis of impacts to covered species instead of properly analyzing and discussing impacts resulting from the project. For example, the DEIR makes sweeping statements that are at odds with other statements in the document regarding avoidance and mitigation – on the one hand, the DEIR claims that project related activities will be consistent with the MSHCP, and asserts that this will render impacts less than significant; on the other hand, the DEIR states that development implemented under the Project "***could result in significant inconsistencies with the MSHCP.***" (DEIR at 5.9-16, emphasis added.) The DEIR further states that "Future implementing development projects could result in impacts to habitat, as well as to sensitive plant and animal species, that would be inconsistent with the biological resource preservation goals of the MSHCP." (DEIR at 5.9-16.) The DEIR cannot rely upon the MSCHP to reduce impacts while stating the Project will be inconsistent with the MSHCP.

17-40 In any event, the DEIR cannot simply defer to the MSHCP. A full quantitative analysis of impacts to special-status species must be provided in a revised and recirculated DEIR, and appropriate and effective avoidance and mitigation measures must be proposed and adopted. The analysis of environmental impacts in the MSHCP was programmatic, and therefore the implementation of the MSHCP does not eliminate the requirement under CEQA to conduct and disclose project-level, species-specific, direct and cumulative analyses in an EIR and to mitigate those impacts. The Endangered Species Act standards and definitions are not analogous to the CEQA standards for review, public disclosure, analysis of alternatives, and analysis of direct and

cumulative impacts. The MSHCP cannot substitute for CEQA review or provide assurances to agencies or project applicants that disclosure, analysis, avoidance, and mitigation will not be required for direct, indirect, and cumulative impacts under CEQA.

17-40 cont. A revised and recirculated DEIR is required to provide full and detailed scientific evidence as to what the project's impact will be, as well as providing detailed and enforceable avoidance, minimization and – if necessary – mitigation measures to lessen any impacts. A DEIR cannot simply make conclusory statements that it complies with an existing plan, and that this alleged compliance is sufficient to protect sensitive species; such conclusory statements are insufficient to meet CEQA standards. (CEQA Guidelines § 15088(c), 15088.5(a)(4).)

H. The DEIR fails to adequately analyze impacts on wildlife from noise.

17-41 Impacts on wildlife from noise are not addressed within the DEIR. As such, there is no analysis or determination within the DEIR as to whether noise impacts will disrupt the nesting, foraging, or other behavioral patterns of wildlife in the on-site conserved lands and adjacent open space. A full analysis of project related noise on wildlife should be provided in the revised and recirculated EIR.

I. The DEIR does not address harmful interactions between humans and wildlife.

17-42 Another issue that is not addressed in the DEIR is the strong likelihood of problematic interactions between humans and wildlife. By placing over thousands of people in close proximity to open space areas, there is a strong probability that coyotes and other animals will forage in trash cans, prey on domestic pets, and otherwise disturb and frighten residents. In response, project residents may try to handle such interactions themselves, causing greater damage – for instance, putting out poison which could then kill an endangered or special status species. That interactions between humans and wildlife will occur is a problematic issue that needs to be identified and analyzed in the DEIR.

17-43 Another aspect of human and wildlife interaction that is commonly not considered is the likelihood of increasing the dependency of certain wildlife species on human-supplied food sources and human-created habitats which benefit invasive species over native species. (Hansen et al. 2005.) For example, people often place in bird feeders outside their homes which usually causes an increase in certain bird-species as well as bird predators in that area, creating competition among birds, increased predation, and the spread of parasites between species. (Shochat et al. 2010.) With the exurban type of development that this Project proposes, research has documented that native species have reduced survival and reproduction near homes, and native species richness often drops with increased exurban densities. In addition, exotic species, some human-adapted native species, and species from early successional stages often increase with exurban development. (Hansen et al. 2005.) As with this proposed project, the location of development is often nonrandom relative to biodiversity because both are influenced by biophysical factors resulting in the effects on biodiversity being disproportionately large relative to the area of exurban development. (*Ibid.*) In other words, not all natural areas are created equal and some of the most biodiverse areas and areas that are key to conserve for their biodiversity are often the same areas that are most attractive for exurban development.

III. The DEIR Fails To Adequately Analyze, Disclose, And Mitigate The Project's Greenhouse Gas Emissions.

17-44 Climate change and the finite nature of fossil fuel energy sources require the increased development of renewable sources of energy, such as solar and wind. (Cameron 2012) However, these developments, especially when done on a large scale, can have negative impacts on local species and their habitats. (Subramanian 2012; Lovich 2011) Renewable energy development projects need to ensure that the solution to environmental harm doesn't become part of the problem. (Cameron 2012; Walston 2016) Distributed solar, as opposed to utility scale, is one way to avoid energy developments that convert prime habitat into unusable areas for species. (McDonald 2009) When solar becomes part of already existing infrastructure and development, its footprint and impact is reduced. (Elkind 2009)

A. Electricity generation is a key contributor to greenhouse gas pollution.

17-45 The generation and consumption of electricity pose many negative impacts to human and environmental health. Therefore, it is necessary to both reduce consumption through conservation and efficiency, and also transition to less damaging forms of generation. Electricity generation accounts for 20% of California's greenhouse gas emissions. Without energy efficiency measures, California's combined electricity demand is projected to grow by 1.41 percent from 2010-2020, while efficiency measures could reduce that to a projected .91 percent. (CEC 2011) Electricity generated from fossil fuels contributed to air pollution from carbon dioxide and fine particulate matter, and water pollution from direct spills or impacts to groundwater through drilling, mining and injection activities. (Heberger 2015) The generation of electricity is highly water intensive, which is problematic in persistent drought conditions. (Larson 2007) In order to reduce the negative impacts to water supplies, water and energy utilities should work together to design more efficient systems for both resources. (Tarroja 2016) Wildlife and their habitats are impacted by electricity generation and transmission. (Cameron 2012) The land-use footprint of energy production is significant and will continue to grow with population unless conservation and distributed generation siting measures are put in place. (Trainor 2016)

The concept of energy efficiency as a resource has the potential to decrease energy production requirements and associated costs and negative impacts. Energy efficiency reduces the need for resource consumption and is thereby in itself a consumable resource with positive impacts rather than negative. (Hopper 2009) Shifting from non-renewable fossil fuels to renewable energy sources will reduce greenhouse gas emissions, air and water pollution and impacts to wildlife and habitat provided these renewable sources are sited appropriately in the vicinity of the demand they serve. (McDonald 2009; Hernandez 2015) As mentioned above, distributed solar, often referred to as rooftop or on-site solar, is a good example of appropriately sited renewable energy that maximizes system and cost efficiency and protects open space, wildlife and habitat. (Elkind 2009; Powers 2009) Legislation that supports the appropriate siting of renewable energy, such as the California Green Building Standards Code, which requires solar-ready roofs and solar-ready pre-wiring, is needed to ensure that renewable energy is able to realize its full potential. (LA Dept. Public Planning 2013) Building codes that support and encourage passive solar design contribute to even greater energy efficiency. (LA DPP 2013)

17-45 (cont.) Another building design concept that offers a variety of benefits from greater energy security to cost efficiency and environmental protection is the zero energy building. Such buildings produce enough renewable energy to meet annual needs, and when combined into communities, the zero energy design means that these areas are no longer reliant upon nonrenewable energy grids that harm human and environmental health, contribute to climate change and are vulnerable to outages and natural disasters. (Peterson 2015) The California Public Utilities Commission has committed to the goal of zero net energy for all new residential construction by 2020 and for all new commercial construction by 2030. (CPUC 2008)

B. The DEIR fails to adequately describe the Project's GHG impacts.

17-46 The DEIR does not adequately analyze the Project's GHG impacts. The DEIR states that it utilized the CalEEMod model to assess the Project's GHG impacts (Appx. E at 4-14), but neither the DEIR nor the CalEEMod spreadsheets describe how or whether the project size and attributes analyzed by CalEEMod are identical to the project described in the DEIR. And as noted in the Air Quality section above, there appear to be assumptions in the CalEEMod analysis that are not explained or supported by evidence. The DEIR should explain how it arrived at its conclusions regarding the amount of GHGs generated by the Project.

17-47 The GHG analysis further concedes that it is only a partial analysis of the GHG and air quality impacts of the Project:

> Due to the programmatic nature of ELSPA 11, data beyond the proposed land use type and associated acreage or dwelling units was not yet available at the time of this technical study. In order to avoid speculation, air quality impacts from proposed construction were analyzed qualitatively. Notwithstanding, further quantitative analysis may be required to evaluate impacts associated with individual, future project-specific actions. (Appx. E at 4-13.)

17-48 The GHG/Air Quality also deferred any air dispersion modeling to analyze localized impacts. (Appx. E at 4-14.) The DEIR concedes that "further quantitative analysis may be required to evaluate impacts associated with individual, future project-specific actions" *(Id.)* but does not specify how or when this analysis will occur.

17-49 The DEIR also expressly fails to even include construction emissions associated with the Project, claiming that such estimates would be speculation due to the "unknown nature of future construction activities." (DEIR at 5.6-13.) This is not quite accurate. While the exact nature and extent of development under the Project may not be known, the DEIR contains specific "development targets" for various uses, including outdoor concert venues, 458,000 square feet of commercial/industrial, a golf course, 1,350 dwelling units in mixed use, and 2,290 dwelling units in residential neighborhoods. (Table 3-1.) The DEIR therefore contains adequate information to provide estimates on the construction emissions of the Project.

17-50 The DEIR further claims without citation to analysis or evidence that construction emissions would only constitute 5 percent or less than total emissions. (DEIR at 5.3-13.) The DEIR needs to provide evidence supporting this claim or remove it from the DEIR. Even if

17-50 (cont.) construction emissions only would constitute 5 percent of total emissions, 5 percent of the total emissions could still be a very large number, given the scale of the Project. And despite completely excluding construction emissions, the DEIR misleadingly states that GHG emissions estimates represent a "worst-case scenario." (DEIR at 5.6-14.)

17-51 The DEIR's approach to GHG impacts from construction is inconsistent with the approach in the Air Quality section. In the Air Quality section, the DEIR attempts to at least analyze air quality impacts from construction "qualitatively" (DEIR at 5.2-15) in light of the "reasonably foreseeable" construction activities. (*See* DEIR at 5.2-14.) Moreover, the Air Quality section specifically lists the assumptions regarding the number of low-rise apartment, single family homes, commercial/light industrial, and other types of development. (DEIR at 5.2-15.) The DEIR does not explain why it cannot adopt a similar approach for the GHG section.

C. The DEIR Is Not Consistent With CARB's Scoping Plan.

17-52 The DEIR fails to demonstrate how the Project is consistent with the state's goal set forth in SB 32 of reducing GHG emissions to 40 percent below 1990 levels by 2030. (DEIR at 5.6-14.) Instead, the DEIR claims that compliance with the City's Climate Action Plan – which was enacted before SB 32 – will render the Project consistent with SB 32. The DEIR fails to support this conclusion.

Center for Biological Diversity v. Department of Fish & Wildlife (2015) 62 Cal.4th 204 (hereinafter "*Newhall*") held that the EIR must set forth substantial evidence that the project's "project-level" emissions reductions are consistent with achieving the state-wide goal of a 29 percent reduction from business as usual. (*Id.* at 225.) The DEIR does not contain an adequate analysis of this issue. In particular, the DEIR does not demonstrate that it is consistent with AB 32. In the "Consistency Analysis," the DEIR incorrectly states that AB 32 is "not directly applicable to the proposed project." (DEIR at 5.6-15.) The DEIR also does not adequately explain why greater emissions reductions are not required for the Project, given that designing new buildings and infrastructure for maximum energy efficiency and renewable energy use is easier than achieving the same savings from older structures. (*See id.* at 226.) Similarly, the DEIR fails to show that compliance with the City's CAP renders the Project consistent with the state-wide goal to reduce GHG emissions to 40 percent below 1990 levels by 2030 (SB 32). Contrary to the DEIR's suggestion that the City lacks jurisdiction to address these issues, *Newhall* held that "[l]ocal governments [] bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions." (62 Cal.4th 204 at 230.)

D. The DEIR Fails to adopt adequate mitigation measures to reduce the Project's GHG emissions.

17-53 Mitigation of a project's environmental impacts is one of the "most important" functions of CEQA. (*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.) Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." (Pub. Res. Code § 21002.)

In the GHG context, the CEQA Guidelines specifically requires lead agencies to "consider feasible means, supported by substantial evidence and subject to monitoring or reporting…" (14 Cal. Code Regs. § 15126.4(c).) These measures can include (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision; (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F; or (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions.

17-53 (cont.) Despite conceding that the Project would have significant GHG impacts, the DEIR only offers one mitigation measure – MM GHG-1. (DEIR at 5.6-21.) MM GHG-1 contains two subparts derived from the City's CAP, and requires development occurring after the year 2020 to achieve 15 percent energy efficiency above Title 24. This mitigation measure is untenably vague because it does not specify whether it is referring to (1) Title 24 Building Standards in effect when the City's CAP was approved in 2011, (2) Title 24 Building Standards currently in effect, or (3) Title 24 Building Standards that will be in effect in the future when development occurs. Building standards have already become significantly stronger since 2011, and will become even stronger in the next five years, as the state is expected to adopt a "zero net energy" standard for new construction. Accordingly, it is unclear whether MM GHG-1 even requires compliance with existing laws.

17-54 The second subpart of MM GHG-1 requires "all development projects, after 2020, to reduce indoor water consumption by 30%." (DEIR at 5.6-11.) While there are some GHG impacts associated with water consumption, this appears to be a water conservation measure, not a GHG reduction measure. More importantly, this measure does not state what baseline developers will use to "reduce" water consumption by 30 percent. As such, this measure does not require any verifiable reductions in water consumption, and is vague and/or illusory.

17-55 While the DEIR also claims to rely upon MM AQ-1, and MM AQ-3 through MM AQ-5 to reduce GHG impacts (DEIR at 5.6-21), these measures are either vague, unenforceable, or merely restatements of current law, as discussed in the Air Quality section above.

E. **The DEIR should include mitigation measures to reduce the Project's energy demands and increase use of renewable energy onsite.**

17-56 The DEIR should take a far more aggressive approach to reducing GHGs arising from the Project. Mitigation measures to reduce vehicle miles traveled, energy use, waste, water consumption as well as use of solar power could lower the Project's impact on climate change (as well as air pollution and water use). CAPCOA has identified existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (CAPCOA 2008 at Table 16.) These resources provide a rich and varied array of mitigation measures to be incorporated into the Project. Potential mitigation measures include ease of access to public transit, alternative construction materials, and onsite energy generation, as discussed below:

17-57 In general, the EIR should consider mitigation measures that will ensure the Project will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste. (Commission for Environmental Cooperation 2008.)

17-58 Specific mitigation measures for the GHG emissions generated by the Project's energy consumption include, but are not limited to:

- Requiring that all developers seek and obtain the U.S. Green Building Council's LEED or comparable standards for energy- and resource efficient building during pre-design, design, construction, operations and management;
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.;
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting
- Limiting the hours of operation of outdoor lighting;
- Maximizing water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where GHG emissions are minimized and captured;
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips;

The Project should further utilize the following mitigation measures related to construction:

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

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17-59 Rooftop solar power is the most energy efficient, least-environmentally damaging form of renewable energy available for the Project and is ideal for the Project's location. Nonetheless, the Project does not require any solar energy. The Center urges that on-site renewable energy be used to meet at least 75 percent of the Project's energy use. All other emissions should be reduced to extent possible, offset on-site and if that is not possible, offset using off-site mitigation. New construction, like this Project, has a unique opportunity to fully embrace and incorporate the use of renewable energy in its design, construction and operation. We urge the City to take full advantage of those opportunities, if it chooses to move forward with the Project.

IV. The DEIR fails to adequately analyze the Energy Conservation Mitigation Measures set forth in Appendix F of the CEQA Guidelines.

17-60 The DEIR is required to analyze whether the energy conservation mitigation measures in Appendix F of the CEQA Guidelines could be adopted as part of the Project. (*See California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 209 (an EIR is defective when it fails to include a detailed statement setting forth the mitigation measures proposed to reduce wasteful, inefficient, and unnecessary consumption of energy in accordance with Appendix F of the CEQA Guidelines) [hereinafter "*CCEC*"].) Nonetheless, the DEIR does not appear to contain any analysis of Appendix F.

Appendix F of the CEQA Guidelines requires the DEIR to analyze the viability of adding renewable energy systems to the Project in order to mitigate its impacts and "increase[e] reliance on renewable energy sources…" Yet, the DEIR contains no discussion of the appropriateness of renewable energy options for the Project. By omitting any discussion or analysis of renewable energy options for the Project, the City has violated CEQA. (*See CCEC*, 225 Cal.App.4th at 213.) This omission is particularly unfortunate because onsite solar energy could power all of the Project's energy needs.

V. The DEIR Does Not Adequately Analyze Or Mitigate The Project's Impacts On Water Quality.

A. The DEIR does not accurately disclose the impacts on water quality of the Project.

17-61 Despite the massive scale of the Project, the DEIR does not contain any study or analysis supporting the DEIR's brief section on hydrology water and water quality. At a minimum, the DEIR should contain a study the (1) analyzes the current water quality conditions in the various permanent and ephemeral water bodies in the Project area; (2) the impacts of the foreseeable development proposed in the Project on water quality and on people, fish, and wildlife, including impacts on sedimentation and flow patterns; and (3) an analysis of how the mitigation measures proposed in the DEIR (or other mitigation measures) will adequately mitigate those impacts.

17-62 The DEIR does not include sufficient data regarding existing water quality conditions to provide adequate baseline information from which to assess Project impacts on local and regional water quality. The DEIR does not list 303(d) impairments of impacted water bodies such as Lake Elsinore and the San Jacinto River. Without current data regarding water quality for any portion of the site, the DEIR fails to provide sufficient baseline information that would

17-62 (cont.) allow the public to evaluate significant adverse impacts the Project will have on the environment. (CEQA Guidelines § 15125(a); *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.App.4th 310, 315[hereinafter *CBE SCAQMD*].)

Furthermore, the Project does not analyze the impacts on water quality and biological resources of residential use of pesticides and chemicals associated with the Project. Instead, the DEIR only mentions pesticides once in a long list of pollutants associated with urban development. (DEIR at 5.8-22.)

17-63 The DEIR also does not contain any analysis of the impacts to smaller water courses on the Project site. The DEIR only generally states that "[s]maller water courses in the form of ephemeral drainages may be impacted by future implementing development projects in the Project site." (DEIR at 5.8-24.) The DEIR needs to define the nature and extent of these impacts, including impacts to amphibians, fish, and wildlife which rely upon such streams. By the same token, the DEIR needs to analyze the impacts of development on smaller water courses, given that these water courses can carry pollutants and sediment from development into larger water bodies, such as the San Jacinto River and Lake Elsinore.

17-64 The DEIR's brief analysis of groundwater impacts also is inconsistent. On the one hand, the DEIR concedes that development will reduce the amount of impervious surfaces leading to reduced groundwater infiltration. On the other hand, the DEIR states without analysis that these reductions would be "less than significant." (DEIR at 5.8-27.) The DEIR also does not appear to analyze the impacts on water flow and water quality in surface water bodies from groundwater pumping, and whether reductions in surface water flow may adversely impact wildlife.

17-65 The DEIR's cursory analysis of impacts to water quality is not quantified, and is not based on any studies or models, violating Section 15151 of CEQA, where, to the extent reasonably feasible, an EIR "should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines § 15151.) Again, given the large scale of the Project, such analysis is expected and required under CEQA.

B. The DEIR does not analyze or mitigate the impacts on flood hazards.

17-66 The DEIR does not adequately analyze the impacts of flood hazards. The Project confusingly states that "most of the Project site" would be subject to 100-year flood events (DEIR at 5.8-27) but that General Plan policies require development to be constructed "above the 100-year base flood elevation…" (DEIR at 5.8-28.) The DEIR needs to clearly disclose whether it is purporting to authorize development in a 100-year flood area or whether it is prohibiting such development in accordance with existing policies.

17-67 The DEIR discloses that the entire project area is in the "high inundation zone" of the Railroad Canyon Dam, and that failure to the dam would potentially flood the Project site. (DEIR at 5.8-29.) The DEIR claims that a "1991 Dam Break Analysis for Railroad Canyon Dam" concludes that additional storage in the lack would accommodate for the 12,000 acre feet of water stored in the Railroad Canyon Dam. Yet, the DEIR does not appear to consider whether

water flows which are ***additional*** to the water stored in the dam could contribute to flooding; generally, flooding events occur during extreme precipitation events, such that water could be flowing through the dam area from the river at a high rate of cubic feet per a second. The DEIR does not explain whether additional water flowing through the dam area could cause flooding. In addition, the DEIR does not include a copy of the "1991 Dam Break Analysis for Railroad Canyon Dam," which makes it impossible to ascertain whether this analysis considered all relevant factors.

17-67 cont.

Moreover, the DEIR does not consider whether the Railroad Canyon Dam is in good repair. Such consideration is necessary given that the dam is nearly 90 years old. As such, the DEIR's conclusion that failure of the dam is an "extremely unlikely event" is not based upon substantial evidence. Many dams over 50 years-old are in need of significant deferred maintenance, as illustrated by the Oroville spill earlier this year.[13] In addition, over 100 of California's 1,585 dams are in "poor" or "fair" condition, according to the National Inventory of Dams maintained by the U.S. Army Corps of Engineers.[14]

17-68

The DEIR's proposed mitigation similarly is vague and unenforceable – the DEIR states that USACE Lake Management 404 Permit (No. 88-00215-RRS) requires that certain development projects "not adversely impact flood storage capacity." (DEIR at 5.8-16.) The DEIR lacks detail on whether this permit applies to all development under the Project, or whether compliance with the permit is a condition of project activities. The DEIR also does not define what constitutes an "adverse" impact on flood storage, rendering the mitigation vague unenforceable. Likewise, the corresponding mitigation measures only require consistency with existing plans and policies.

17-69

The DEIR further calls for "mitigation in the form of design drainage studies would be required." (DEIR at 5.8-29.) The DEIR therefore not only impermissibly defers mitigation, but also defers necessary analysis at the Project level to the various phases. (*Stanislaus Natural Heritage Project, Sierra Club v. County of Stanislaus*, 48 Cal.App.4th 182, 204-206 (1996) (analysis of significant effects may not be deferred to later developments under the specific plan, nor to later tiered EIRs.) ([hereinafter "*Stanislaus*"].) In short, the DEIR fails to provide substantial evidence supporting its claim that it would reduce flood hazard impacts to less than significant levels.

C. The DEIR inaccurately claims that compliance with existing regulations will render impacts on water quality and less than significant.

17-70

The DEIR states that compliance with existing BMPs and regulations will ensure erosion and siltation impacts are less than significant. (DEIR at 5.8-24.) However, the DEIR concedes that the region already suffers from "poor" water quality despite existing laws and regulations. (DEIR at 5.8-14.) As such, the DEIR cannot rely upon existing laws and regulations and assume that impacts will be less than significant.

[13] *See* "Oroville Is a Warning for California Dams, as Climate Change Adds Stress," Feb. 14, 2017, available at https://www.nytimes.com/2017/02/14/us/oroville-dam-climate-change-california.html.
[14] *See id.*

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17-71 The DEIR concedes that water quality impacts will be significant, but that MM HWQ-1 through MM HWQ-5 will reduce impacts to less than significant levels. (DEIR at 5.8-23.) The DIER does not provide evidence supporting this claim. More specifically, the DEIR repeatedly relies upon existing regulations to somehow mitigate impacts to less than significant levels. (*See* DEIR at 5.8-36 & 37.) Even if developers and future residents did comply with all regulations (which there is no guarantee they will), that does not excuse the City from analyzing the impacts of such uses. Such impacts will likely be significant given that the Project will install a many hundreds of acres of development adjacent to wetlands and a river, which are home to dozens of imperiled species of animals, including amphibians. Even if developers do comply with regulations, the Project will still result in the discharge into water bodies of metals, nutrients, pesticides, organic compounds, sediments, trash and debris, oxygen demanding substances, and oil and grease. Even though such substances are known to harm wildlife and people, the DEIR contains absolutely no analysis of such impacts.

17-72 The DEIR similarly claims that local drainage systems will reduce impacts to urban runoff. (DEIR at 5.8-24.) The DEIR offers no evidence or analysis to support this claim. Indeed, siting hundreds of acres of commercial and residential development adjacent to a lake, river, and wetlands is extremely likely to cause significant impacts to these water bodies.

17-73 The DEIR similarly fails to analyze the impacts on water quality and biological resources of commercial use of chemicals associated with the Project. Again, the DEIR generally claims that any water quality impacts would be mitigated by existing regulations governing hazardous substances. (*See* DEIR at 5.8-36 & 37.) The DEIR cannot avoid analyzing these impacts by pointing to pre-existing regulations. In addition, because the Project Description does not provide adequate detail regarding the types of commercial uses involved with the Project, the DEIR does not discuss specific chemical or pesticide use associated with the Project. This lack of detail makes it impossible for the public to ascertain the true environmental impacts of the Project.

17-74 The DEIR claims that Best Management Practices ("BMPs") for various substances will ensure that impacts are mitigated to less than significant levels. (DEIR at 5.8-36.) However, Riverside County Flood Control and Water Conservation District's handbook reveals many of these BMPs have a "low removal efficiency" or "unknown removal efficiency."[15] Accordingly, based upon these the Handbook, even if these BMPs were complied with strictly in perpetuity (which may not be the case), there is no guarantee that these BMPs will fully mitigate impacts to nonsignificant levels.

17-75 Additionally, none of these BMPs are described in the DEIR. The DEIR, by relying on these future measures, fails to bring "substantial evidence" necessary to determine the significance of Project impacts in order to comply with Public Resources Code section 21082.2. Moreover, all of these inadequacies fail to allow decision-makers and the public to make an informed decision on the extent that Project construction and operations will impact water

[15] *See* Riverside County Flood Control and Water Conservation District, "Riverside County Stormwater Quality Best Management Practice Design Handbook," (July 21, 2006) at Table 3 (available at http://www.floodcontrol.co.riverside.ca.us/downloads/Planning/BMP%20Handbook%20%28draft%208%29.pdf).

17-75 (cont.) quality. (*Laurel Heights Improvement Assn v. Regents of or the University of California* (1988) 47 Cal.3d 376, 390, 392 ("CEQA's fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials."); *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 ("To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."); (*Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431 ("CEQA's demand for meaningful information 'is not satisfied by simply stating information will be provided in the future.'").)

VI. The DEIR Fails To Adequately Assess The Project's Traffic Impacts.

17-76 The DEIR does not appear to identify the geographic scope of the traffic analysis. CEQA requires that the EIR consider "the regional impacts of a project proposal, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 575.) While the DEIR does include analysis related to some freeways exits near the Project area, the DEIR does not explain why those exits were analyzed and others were not. The DEIR also does not confirm whether the City consulted with agencies that have transportation facilities within 10 miles of the Project area, as required by CEQA Guidelines § 15086(a)(5).

17-77 The DEIR contains a table describing the various levels of service for intersections in the "Year 2022 With Project Phase I With Improvements." (DEIR at 5.14-38.) The table does not clearly identify the impacts of the Project and should be revised. For instance, the table states that the Level of Service on Lakeshore Drive/Mission Trail will still be LOS F, even after Phase I improvements. (DEIR at 5.14-38.) The DEIR states in a footnote that "Volumes have been rerouted due to the recommended improvement at the intersection of Diamond Drive at Campbell Street during the Saturday Midday peak hour." (*Id.*) The note regarding rerouting "volumes" does not explain which agency will conduct the "rerouting" or even what is meant by "rerouting." The DEIR needs to clarify whether any improvements will achieve an acceptable LOS, or whether this intersection will remain at LOS F. The DEIR contains a similar note regarding Mission Trail at Malaga Road, which it predicts will achieve LOS E. (DEIR at 5.14-39.)

17-78 The DEIR also lists a number of intersections that will achieve an unacceptable LOS F, but with "recommended improvements," the LOS would allegedly be acceptable. (DEIR at 5.14-36 & 37; 5.14-43.) The DEIR needs to specify what these recommended improvements are and provide evidence that they would actually result in the Project achieving acceptable LOS. In addition, the DEIR is confusing because while it claims that "recommended improvements" would render LOS at acceptable levels, Table 5.14-12 states that certain intersections will have an "adverse condition." (*See, e.g.,* DEIR at 5.14-45.)

17-79 The DEIR adopts this approach again when assessing the Project build-out traffic conditions for 2040. On the one hand, the DEIR claims that LOS will achieve the unacceptable LOS F, but then – on the other hand – claims that under "peak hours," they would operate at acceptable LOS. (DEIR at 5.14-64.) Again, the DEIR needs to clarify how the Project will both fail to and succeed to meet acceptable LOS. As currently written, the DEIR does not adequately

17-79 (cont.) apprise the public of the Project's environmental impacts or serve its purpose as an informational document.

17-80 The traffic section also relies upon a Revised Traffic Impact Analysis Report prepared by Linscott Law & Greenspan. (DEIR at 5.14-1; Appx. K.) The DEIR should disclose why the analysis was revised, including any differences between the reports. In addition, the DEIR should include the original report as an appendix.

17-81 Moreover, the DEIR should explain which version of the Project buildout was utilized in calculating the LOS for the year 2022 and 2040. Elsewhere in the DEIR, the DEIR stated that predicting specific impacts as "speculative" due to the uncertain nature of the Project. (*See* DEIR at 5.6-13.) While the Traffic Study does appear to identify some of the assumptions regarding the details of the Project buildout (see Appx. K at Table 2-1), the DEIR and the Traffic Study need to clarify what version of the Project was utilized in reaching the conclusions in the traffic analysis.

17-82 The DEIR states that its traffic analysis assumes that "Alternative 2" of the Railroad Canyon Road I-15 Interchange is built. (DEIR at 5.14-85.) However, it is unclear whether Alternative 2 was in fact adopted by the applicable agencies. For instance, the City's website indicates that Alternative 4 was selected.[16] And even if Alternative 2 has been adopted by applicable agencies, that does not necessarily mean it will be built prior to the construction of the Project. Funding constraints or feasibility or regulatory issues could delay the interchange project, or even result in it not being built. In short, the DEIR cannot base the traffic analysis upon the construction of projects that have not or may not be completed.

17-83 The DEIR states that a number of freeway segments would operate at either LOS F or E with the Project, which would amount to a significant impact. (DEIR at 5.14-89 & 90.) Once again, the DEIR promises that implementation of "recommended improvements" would reduce impacts, but fails to specify what these improvements are or how they would actually reduce such impacts. (DEIR at 5.14-90.)

17-84 Near the conclusion of the traffic section, the DEIR concedes that no funding mechanism has been established for the Project to finance the road improvements necessary to build the Project. (DEIR at 5.14-95.) The DEIR states that "it is possible that the required improvements would not be constructed in time to mitigate the proposed Project's traffic and circulation impacts to below significant levels." (*Id.*) Because the DEIR's analysis apparently is based upon a Project (including roads) that may not be built as envisioned, the DEIR should require that each project construed within the Project area (e.g., residential homes, stadium, etc.) conduct an independent traffic analysis based upon the conditions that exist at the time such projects are proposed. In addition, developers implementing portions of the Project should not be permitted to "tier" off the traffic analysis in the DEIR, given that many of the traffic improvements identified in the DEIR either may never be built or may not be built at the time that a specific project is proposed.

[16] http://www.lake-elsinore.org/city-hall/city-departments/public-works/engineering/capital-improvement-program/i-15-railroad-canyon-road-franklin-interchange-project

17-85 In the conclusion of the traffic section, the DEIR states that traffic impacts would remain significant. (DEIR at 5.14-95.) Missing from the DEIR, however, is an analysis of mitigation measures and whether all feasible mitigation measures are included in the DEIR.

17-86 Despite the impacts of adding thousands of people far from existing employment centers, the DEIR does not contain adequate mitigation measures to alleviate traffic impacts. In addition to not demonstrating these measures will reduce traffic impacts, such road construction projects may have their own independent impacts on the environment. Nonetheless, the DEIR does not analyze whether such road construction projects will further impair air quality, lead to growth inducing impacts, harm wildlife or destroy habitat, or impair wildlife connectivity.

17-87 The DEIR also does not provide for adequate public transportation. The DEIR assumes that a single existing bus line would be expanded "based on ridership" such that no impacts or mitigation would be required. (DEIR at 5.14-98.) By its own terms, there is no guarantee that this bus line will be expanded. And even if it were, there is no evidence that this single bus is adequate to meet the needs of the Project.

VII. The DEIR Fails to Provide Assurance that the Project Has a Long-Term Water Supply.

17-88 The DEIR's analysis of baseline water supply conditions is incomplete and inaccurate. The DEIR omits the fact that the Elsinore Basin is designated as a "high" priority basin by the California Department of Water Resources ("DWR").[17] In addition, as noted by the DWR (but not included in the DEIR), a study conducted by the Elsinore Basin Groundwater Advisory Committee in November 2012 revealed an average annual groundwater overdraft of 1,800 AFY for the last 11 years.[18] Neither the DEIR nor the WSA acknowledge this significant groundwater deficit. This omission renders the DEIR inadequate because it does not disclose baseline conditions. The DEIR and WSA do claim that the "safe yield" of the basin is 5,500 AYF, but provide no analysis or studies to support that conclusion. The DEIR and/or WSA need to provide evidence supporting that figure.

17-89 The DEIR uses manifestly inaccurate estimates for water availability. For example, the DEIR states that due to the drought, the Canyon Lake Water Treatment Plant ("WTP") has treated an average of 2,322 acre feet per year ("AFY"). (DEIR at 5.15-9.) Nonetheless, the DEIR assumes that the Canyon Lake WTP would treat a 2,500 AFY, which is greater than the current treatment amount. (*Id.*)

17-90 The DEIR also states that current "purchased or imported" water amounts to 15,318 AFY (Table 5.15-1) but that projected purchased or imported water will be 26,282 AFY for the years 2020 through 2040 (Table 5.15-2). Although the DEIR does not explain this discrepancy, the WSA (Appx. L) suggests that this water has been available to EVMWD but EWMVD "has never reached their available capacity from imported water." (Appx. L at 3-19.) The DEIR needs to explain the origin of the 26,282 AFY figure.

[17] http://www.water.ca.gov/groundwater/casgem/basin_prioritization.cfm
[18] http://www.water.ca.gov/groundwater/casgem/pdfs/lists/SRO_BasinName_05262014.pdf

17-91 The DEIR's failure to adequately disclose existing water supplies renders its discussion of long-term future water supplies similarly deficient. California law requires agencies to discuss and disclose a proposed project's long-term future water supply. (*See Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430-432; Water Code § 10910.)

17-92 The DEIR appears to assume that this imported water supply is 100 percent reliable. However, such an assumption would not be accurate. The Metropolitan Water District ("MWD") often implements mandatory cutbacks on water deliveries to member agencies, depending upon available water supplies. The MWD website describes various instances in which MWD either implemented such cutbacks or considered implementing such cutbacks.[19] EVMWD acknowledges this on its website: "During droughts, the District could be subject to cutbacks in imported water deliveries."[20]

17-93 The DEIR's WSA is deficient because it does not identify water supplies for the maximum buildout scenario of 5,651.39 AFY. (DEIR at 5.15-16.) Instead, it only identifies water supplies for up to 5,401.23 AFY.

17-94 The DEIR assumes that sports and active recreation uses would utilize recycled water. (DEIR at 5.15-27.) However, it is unclear whether the DEIR requires that such recreation uses rely upon recycled water. The DEIR should implement a condition of approval or mitigation measure that mandates such use of recycled water.

VIII. The DEIR Fails To Adequately Assess The Project's Cumulative Impacts.

17-95 CEQA defines "cumulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines § 15355.) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project "when added to other closely related past, present, and reasonably foreseeable probable future projects." (CEQA Guidelines § 15355(b).) And while an agency is not expected to foresee the unforeseeable, it is expected to use its "best efforts to find out and disclose all that it reasonably can." (CEQA Guidelines § 15144; see also *City of Richmond, supra*, 184 Cal.App.4th at 96; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 428.)

17-96 The purpose of analyzing cumulative environmental impacts is to assess adverse environmental change "as a whole greater than the sum of its parts." (*Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 625.) Absent meaningful cumulative analysis there would be no control of development and "piecemeal development would

[19] Metropolitan Water District of Southern California, "Persistent Drought Conditions Could Compel Metropolitan To Limit Imported Water Supplies for Region This Summer; Supply allocation could trigger mandatory rationing throughout Southland for second time in six years," (Feb. 9, 2015) available at http://www.mwdh2o.com/PDF_NewsRoom/Allocation_scenarios_introduced.pdf

[20] *See* EVMWD, "Groundwater Management Plan," available at http://www.evmwd.com/depts/engineering/gmp.asp.

17-96 (cont.) inevitably cause havoc in virtually every aspect of the [] environment." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721.)

17-97 The DEIR does not adequately analyze cumulative impacts. For instance, in the hydrology and water quality section, the DEIR states that compliance existing regulations would decrease cumulative impacts to "less than significant" such that no mitigation is required. (DEIR at 5.8-36.) The DEIR does not offer a shred of evidence to support the claim that mere regulatory compliance will reduce cumulative impacts to less than significant levels. In fact, the DEIR suggests the opposition – for example, the DEIR earlier concedes that the area suffers from "poor water quality" arising from "inadequate subsurface sewage disposal, waste disposal management of the Santa Ana River watershed, agricultural runoff, sediment from construction-related erosion, and urban stormwater runoff." (DEIR at 5.8-14.) The Project will increase these impacts and lead to further impaired water quality. The DEIR fails to establish that existing regulations have adequately safeguarded water quality in the City and therefore cannot rely upon these regulations in assuming that significant impacts will not occur.

17-98 Finally, the DEIR does not appear to properly "define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic area." (*See* Guidelines § 15130(b)(3)).

IX. The Alternatives Analysis In The DEIR Is Inadequate And Fails To Comply With CEQA.

17-99 CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d).) Moreover, although "an EIR need not consider every conceivable alternative to a project . . . it must consider a reasonable range of potentially feasible alternatives that will foster informed decision decision-making and public participation." (Guidelines § 15126.6(a).) Additionally, the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1089.) Accordingly, a rigorous analysis of reasonable alternatives to the Project must be provided to comply with this strict mandate. The DEIR fails to meet this requirement on two levels: the DEIR analysis of the alternatives proposed is inadequate and the DEIR fails to include a reasonable range of alternatives.

17-100 The DEIR should have discussed the need for the Project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in GHG emissions and help solve the problem of climate change is to "facilitate more efficient and economic use of the lands" already developed within the community. (CAPCOA 2008.) Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases. (CAPCOA 2008.) The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to

17-100 (cont.) individual vehicle travel, and encourage efficient delivery of services and goods. (Office of the California Attorney General 2008.)

17-101 The DEIR should have also included an alternative that provides for significantly more preservation of open space on site. The proposed Project only conserves 815.18 acres, Alternative 1 (the adopted ELSP) preserves only 792.64 acres, and Alternative 2 conserves on 1,170.82 acres.

A. The DEIR should have analyzed a range of alternatives and included meaningful analysis of the impacts of these alternatives.

17-102 The DEIR did not analyze a reasonable range of alternatives including, but not limited to, the following: increased density with a substantially smaller project footprint; transportation-oriented design surrounding existing transit nodes or transit corridors within or adjacent to the Project area; a low carbon alternative that would actually result in lower emissions; conversion of the land into a conservation or mitigation bank; and mixed use development combined with greater preservation and enhancement of existing wildlife habitat. As courts have made clear, "[a] potential alternative should not be excluded from consideration merely because it would impede to some degree the attainment of the project objectives, or would be more costly." (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1456-57 (quotations omitted).)

17-103 Additionally, the DEIR should include quantitative and meaningful comparisons between the Project's impacts and proposed alternatives' likely impacts, including analysis of estimated GHG emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative. Under CEQA, "the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Com.* (1997), 16 Cal. 4th 105, 134.) The DEIR's general statements regarding these topics are insufficient.

X. The DEIR Does Not Adequately Analyze The Growth-Inducing Impacts Of The Project.

17-104 EIRs are required to provide a detailed discussion regarding the growth-inducing impacts of a project. (Guidelines §§ 21100(b)(5); 21156.) *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369 sets forth three factors to determine the level of detail required in a growth-inducing impacts analysis: (a) the nature of the project; (b) the directness or indirectness of the contemplated impact; and (c) the ability to forecast the actual effects the project will have on the physical environment. (*Id.*) Applying these factors here, the DEIR should have contained a detailed analysis regarding growth-inducing impacts because (a) the Project at issue is quite large, is sited in an area with no existing development, and includes infrastructure (including road improvements) that will undoubtedly act as a catalyst for future development in the area; (b) the Project will result in direct impacts in the area by paving the way for future development through infrastructure; (c) the City already is

17-104 cont. aware of which projects have been proposed or approved in the area, such that the City can forecast the nature and extent of growth inducing impacts. Despite these requirements, the DEIR spends less than two pages analyzing the growth-inducing impacts of the Project. (DEIR at 5.17-2 & 3.) This is plainly inadequate under *Napa Citizens.*

17-105 The DEIR fails to discuss how the Project will lead to an increase in population and will likely require the construction of new or expanded public facilities. In turn, these expanded facilities will cause additional significant impacts on the environment, wildlife, air quality, traffic, etc.

17-106 The DEIR states that growth-inducing impacts would not be substantial because previous versions of the project already permitted residential or commercial development. (DEIR at 5.17-2.) Yet, as the DEIR concedes, previous iterations of the Project were "difficult to follow," making it difficult for developers to move forward with projects at the site. (*Id.*) Because the Project would "streamline development," (*see id.*) the Project would in fact have growth-inducing impacts above and beyond potential impacts in previous iterations of the Project. Accordingly, the DEIR's attempts to "bootstrap" upon previous version of the Project is improper.

17-107 Similarly, the DEIR's claim that the Project would not lead to growth-inducing impacts is not accurate because any infrastructure described in previous iterations of the Project does not actually exist. The DEIR must analyze growth-inducing impacts in light of the conditions as they exist; the DEIR cannot minimize the Project's own growth-inducing impacts by pointing to previous plans that exist only on paper.

XI. Conclusion

17-108 Given the possibility that the Conservation Groups will be required to pursue appropriate legal remedies in order to ensure enforcement of CEQA, we would like to remind the City of its duty to maintain and preserve all documents and communications that may constitute part of the "administrative record." As you may know, the administrative record encompasses any and all documents and communications which relate to any and all actions taken by the City with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further contains all correspondence, emails, and text messages sent to or received by the City representatives or employees, which relate to the Project, including any correspondence, emails, and text messages sent between the City's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

17-109 Thank you for the opportunity to submit comments on the Project. We look forward to working to assure that the Project and environmental review conforms to the requirements of state law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. In light of many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the Project not be approved in its current form. We

17-109 (cont.) look forward to reviewing the City's responses to these comments in the Final EIR for this Project once it has been completed.

Sincerely,

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Response to Letter 17

Center for Biological Diversity

17-1. This comment describes the Center for Biological Diversity and provides an introduction to the specific comments raised by the Center for Biological Diversity in its letter. The comment also states the Center for Biological Diversity's conclusions based upon the subsequent comments within the letter. The responses to the detailed comments contained in the Center for Biological Diversity letter are addressed in the following Responses to Comments.

17-2. The commenter provided a description of general air quality pollution issues that may have impacts on human health, plants, wildlife, greenhouse gas emissions and climate change. Project-related air quality impacts are analyzed in Draft Environmental Impact Report (DEIR) Section 5.2 and required mitigation is identified. DEIR Section 5.6 analyzes greenhouse gas emissions. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-3. This comment provides a description of general air quality pollution issues in southern California and Riverside County; sensitive populations most affected by poor air quality; and typical land uses and activities associated with air pollution such as freeways, ports, transportation facilities, industry and construction. Project-related air quality context and impacts are analyzed in DEIR Section 5.2 and required mitigation is identified. Section 5.2 and DEIR Appendix E (Air Quality and Greenhouse Gas Analysis) also identifies the sensitive receptors in proximity to the Project and discusses potential impacts associated with proposed land uses and future construction activities in the ELSP. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-4. The commenter provides a description of general human health impacts associated with Ozone, Fine Particulate Matter and Toxic Air Contaminants pollution. Project-related impacts associated with these air pollutants are analyzed in DEIR Appendix E (Air Quality and Greenhouse Gas Analysis) and DEIR Sections 5.2 and required mitigation is identified. Potential health-related effects and their association with specific pollutants are shown on DEIR Table 5.2-1. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-5. This comment provides a general description of the potential air quality and GHG reduction benefits associated with infill development, resulting from a decrease in vehicle miles traveled and increased opportunities for pedestrian, bicycle and transit travel. The Project site is located in the City of Lake Elsinore within 0.25 mile of the Interstate 15 Freeway and is bound by existing urban and suburban development of the City of Lake Elsinore to the north, City of Wildomar to the east and unincorporated County to the south. The Project site, which has been subject to an adopted specific plan since 1993, is already partially developed with residential development, an 18-hole golf course, a motocross facility and a private recreational airport. (see DEIR Table 7-2 in the Alternatives Analysis for comparison between adopted and proposed development targets). The proposed Project, which is in effect an infill

project, would allow for a diverse mix of residential, commercial, sports, tourism and recreational destinations and employment opportunities in the City, which is currently housing-rich. In addition, the proposed Project includes a local bicycle and trail system with regional connections as shown in Figures 5.9-2 and 5.9-3. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

The commenter also requests a life-cycle assessment of the Project. The proposed Project is a specific plan of land use. It sets forth land use designations and development standards, but does not identify specific implementing development projects and their construction plans. Because the amount of materials that will be consumed during construction or operation of future implementing development projects is not known, there is no means by which to predict what, how or where materials would be manufactured, what materials would be used, where they would be produced and at what quantities, calculation of life-cycle emissions would be speculative and therefore cannot be determined at this time. CEQA does not require analysis if a particular impact is too speculative. (CEQA Guidelines §15145).

17-6. This comment states that the "Draft EIR's air quality analysis is flawed because it fails to establish a proper baseline." A hypothetical buildout of the Project site under the existing adopted ELSP was not used for the baseline, as the comment suggests. The DEIR baseline was established based on existing development within the Project site at the time of issuance of the Notice of Preparation, consistent with CEQA Guidelines §15125. Existing development at the issuance of the Notice of Preparation included existing 325 low-rise apartment dwelling units; 911 single-family housing dwelling units; 169 acres of golf club; 535 acres of open space; 243 acres of active recreation space (inclusive of the Lake Elsinore Motorsports Park); 5.5 acres of City park; and Skylark Airport. This list of existing development is located in Section 5.2 (Air Quality) on page 5.2-7 of the DEIR. A 70 percent city park and 30 percent Racquet club land use mix was used in the modeling data to account for existing action-sports uses and development at the Project site, including The Links at Summerly clubhouse and Lake Elsinore Motorsports park.

17-7. The commenter states that not all sources of air quality impacts were considered in the analysis, but did not identify what sources the commenter believes were omitted. Section 5.2.6.1 of the DEIR discusses sources that were accounted for in the DEIR and in Appendix E (Air Quality and Greenhouse Gas Analysis) of the DEIR. CalEEMod Output provided in Appendix A (CalEEMod Output) of the DEIR Technical Appendix E identifies sources considered in the analysis.

The commenter also states that the analysis selected an insufficiently specific 'Project Location' in CalEEMod. CalEEMod allows the user to define a region where the project is located by selecting from options County, Air Basin, Air District, or Statewide. The DEIR analysis selected the 'SCAQMD' as the 'Air District' option. CalEEMod uses the 'Project Location' to identify defaults for on-road vehicle emissions, trip lengths, water supply and treatment electricity use, solid waste disposal rates, amount of paved roads, days of landscaping equipment use, architectural coating emissions, and hearth usage. Appendix D of the CalEEMod Users Guide shows that CalEEMod default values for these categories would be the

same for SCAQMD Project Location and for Riverside County Project Location. Therefore, no further response or action is required.

The commenter suggests that the analysis may have incorrectly used the Urban designation for the analysis, that the City's location is fairly remote, and the City should contact the SCAQMD for guidance on the designation. The CalEEMod Users Guide defines an Urban area as an area which is characterized by multi-family housing and located near office and retail, as characteristic of the Project site. Please refer to the Project Description for the types of land uses considered in the DEIR. In addition, the SCAQMD reviewed the DEIR and submitted a comment letter, dated June 1, 2017. SCAQMD did not have any questions or comments regarding the use of the Urban designation in the CalEEMod air quality analysis.

17-8. The commenter requests that the City provide legal authority for its conclusion that because the project would be consistent with the City's General Plan, it would also be consistent with the AQMP. CEQA does not require a demonstration of legal authority; it does require that conclusions be supported by substantial evidence.

The General Plan's implementation programs for effectuating Air Quality Policies direct the City to condition projects to comply with SCAQMD rules and regulations and to coordinate with SCAQMD regarding effective methods for improving air quality. As discussed in the DEIR, the proposed Project would comply with the AQMP based on the following:

- The attainment strategies in the AQMP include standards for new engines. These measures are enforced at the state and federal levels on engine manufacturers and petroleum refiners/retailers. The proposed Project would comply with these control measures enforced at the state and federal levels.

- The SCAQMD adopts AQMP control measures into the SCAQMD rules and regulations, which are then used to regulate sources of air pollution in the SCAB. The proposed Project would comply with SCAQMD applicable rules and regulations. Compliance with SCAQMD rules and regulations would ensure that the proposed Project would not conflict with or obstruct implementation of the AQMP.

- The City's General Plan sets goals and implementation strategies that reduce air emissions and health risks. Activities associated with the proposed Project would comply with the source-specific performance standards identified in the City's General Plan and therefore would not conflict with or obstruct implementation of the AQMP.

- Growth projections from general city plans are provided to the SCAG, which develops regional growth forecasts. SCAG's regional growth forecasts are then used to develop future air quality forecasts for the AQMP. Therefore, developments consistent with the growth projections in the City's General Plan would not conflict with or obstruct implementation of the AQMP.

No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-9. The commenter states there is no analysis for impacts under Threshold of Significance AQ-B. Threshold of Significance AQ-B was analyzed concurrently with Threshold of Significance AQ-D beginning on page 5.2-17 of the DEIR due to overlap in the analysis. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-10. The commenter states that the DEIR does not analyze health risks. As discussed in Section 5.2.6.1 of the DEIR, localized ambient air, cancer risk, and health impact analyses are sensitive to the geographic distribution of emission sources and nearby sensitive receptors. Given the programmatic nature of the proposed Project, air dispersion modeling to quantify localized impacts from future activities is not possible, as it requires project-specific information regarding source and receptor geometries and locations; therefore, ambient air and health impacts were considered qualitatively by considering proposed land uses in relation to existing sensitive receptor locations surrounding the Project vicinity. In addition, mitigation measure MM AQ-2 is required of future implementing development projects that propose new sensitive receptors and/or would be within 500 feet of sensitive receptors to conduct an evaluation of human health risks and/or Localized Significance Threshold (LST) analysis to identify and reduce any potential health risks from construction and/or operation impacts to sensitive receptors.

17-11. The commenter states that no evidence is provided to substantiate the determination that impacts would be "unavoidable" for Threshold AQ-D. This is a mischaracterization of the analysis provided in Sections 5.2.6.2 and 5.2.6.3. Given the programmatic nature of this Project, the analysis discloses that temporary construction impacts associated with future implementing development projects, with potentially overlapping construction schedules, could "potentially be significant and unavoidable" even with implementation of mitigation measures MM-AQ-1 and MM AQ-2. Given the large area of the Project site and unknown construction details of multiple future implementing development projects, the document provides a qualitative analysis to substantiate the determination while avoiding speculation of future unknown construction activities and schedules within the specific plan. The determination made for long-term impacts was quantitatively substantiated in Table 5.2-5, showing Project site operational air emissions at buildout.

17-12. This comment states that the DEIR must propose and describe mitigation to minimize significant air quality impacts identified in the DEIR. The proposed Project's air quality impacts are disclosed and required mitigation is discussed in Section 5.2 of the DEIR. Identified air quality impacts and required mitigation measures are found in DEIR Section 5.2.9 and summarized in the Executive Summary Table 1-4.

17-13. This comment states that mitigation measure MM AQ-1 for air quality construction impacts is "vague, deferred, inadequate, and/or unenforceable." Due to the programmatic nature of this Project, the DEIR does not speculate on the details of multiple future implementing development projects'

unknown construction activities or schedules. These details are required for project-specific analysis and go beyond the programmatic land use changes of this proposed Project. Rather, mitigation measure MM AQ-1 establishes a requirement that each future implementing development project analyze its potential project-specific impacts through an air quality technical report, study, or memorandum and requires that the project-specific mitigation include, but not be limited to, the list of measures included in mitigation measure MM AQ-1 to reduce project-specific impacts once details on these future projects' construction details become available.

17-14. The commenter states that the DEIR under mitigation measure MM AQ-2 does not require any specific mitigation to limit health impacts to sensitive receptors. However, MM AQ-2 does, in fact, require all future implementing development projects proposing new sensitive receptors and/or within 500 feet of sensitive receptors reduce impacts on sensitive receptors to less than significant by selecting from a prescriptive menu of measures that can be tailored to meet project-specific demands. As discussed in DEIR Section 5.2.6.1, the City did not speculate on unknown construction activities or schedules of future implementing development projects over the life of the specific plan, which are not possible to know at the program level. Rather, per MM AQ-2, if a project-specific air quality analysis "demonstrates exceedance during temporary construction activities or long-term operations, additional mitigation measures shall be required through conditions of approval to reduce impacts to below thresholds." Furthermore, additional project-specific environmental review per ELSPA No. 11 Section 10.7.2 is required to verify these findings made in this programmatic DEIR prior to future implementing development project implementation. No further response or action is required.

17-15. The commenter states that MM AQ-3 does not specify to what extent Title 24 standards must be "exceeded." While it is true that the measure only requires that the project exceed the minimum requirements; however, mitigation measure MM GHG-1 does require specific project exceedance goals above those set by Title 24. However, in order to make MM AQ-3 consistent with the wording of MM GHG-1, MM AQ-3 shall be amended as follows:

MM AQ-3 Prior to issuance of a building permit for new implementing development projects within the East Lake Specific Plan, the applicant shall demonstrate that the following measures to conserve energy have been incorporated into building design:

1. Submit plans demonstrating that any new residential buildings ~~shall exceed those California Title 24 energy efficiency requirements in effect at the time of building permit issuance.~~ achieve 15% energy efficiency above 2016 Title 24, Part 6 for projects after 2018 and 25% energy efficiency above 2016 Title 24 for projects after 2020.
2. Submit plans demonstrating that any new commercial buildings shall include the following green building design features:
   a. ~~Utilize~~ Low-E and ENERGY STAR windows ~~where feasible~~;
   b. ~~Install h~~High-efficiency lighting systems and incorporate advanced lighting controls, such as auto shut-offs, timers, and motion sensors;

c. ~~Install h~~High R-value wall and ceiling insulation; and,
d. ~~Incorporate u~~Use of ~~low pressure sodium and/or~~ fluorescent lighting and/or LED lighting~~, where practicable~~.

3. Require acquisition of new ENERGY STAR qualified appliances and equipment.
4. Implement passive solar design strategies in new construction. Examples of passive solar strategies include orienting building to enhance sun access, designing narrow structures, and incorporating skylights and atria.

17-16. The commenter states mitigation measure MM AQ-3 is not enforceable due to the use of the phrase "where feasible". As shown in the above response to Comment 17-15, the phrases "where feasible" and "where practicable" have been removed from MM AQ-3.

17-17. The commenter is concerned that mitigation measure MM AQ-4 states that the applicant is only required to identify potential vendors that provide green waste collection and recycling services. In order to address this concern, Measure MM AQ-4 has been revised as follows:

MM AQ-4 Prior to issuance of a building permit for new commercial, multi-family residential and mixed-use implementing development projects within the East Lake Specific Plan, the applicant shall demonstrate on the landscaping plan that the following water and energy conservation measures have been incorporated:

1. ~~Participate~~Participation in green waste collection and recycling programs for landscape maintenance with designated green waste collection and storage areas and~~/or identification of potential~~ use of vendors that provide green waste collection and recycling services during operation of future development projects;
2. ~~Require u~~Use of landscaping with low water requirements in accordance with the City of Lake Elsinore's Water Efficient Landscape Requirements Ordinance (Lake Elsinore Municipal Code Chapter 19.08);
3. Planting of trees or vegetation to shade buildings and thus reduce heating/cooling demand.

17-18. The commenter states there is a lack of evidence that the Project's air quality impacts are "unavoidable." Please see above response to Comment 17-13.

The comment also states that the DEIR fails to demonstrate all feasible mitigation is required. The DEIR includes mitigation measures MM AQ-1 through MM AQ-5, which provide robust prescriptive measures appropriate on a programmatic level to guide future implementing development projects in the ELSP. No further response or action is required.

17-19. The commenter states that the DEIR "does not include an analysis of available mitigation measures for reducing air quality impacts, such as those provided by the California Air Pollution Control Officer's Association and California Office of the Attorney General to reduce GHG emissions . . .

(Attorney General 2010; CAPCOA 2008)." To meet the City's emissions reduction targets, the City's CAP identifies a combination of state-level regulations, local strategies and measures recommended by the California Air Resources Board (CARB), CAPCOA, and the State's Attorney General's Office, among others. City CAP measures were considered as part of the Project as they would be required to obtain a building or grading permit from the City prior to implementation. Mitigation measures were developed by building on and accelerating the City's CAP measures as described in measures MM AQ-3 and MM GHG-1. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-20. The commenter states that "the Draft EIR appears to only require compliance with existing or future laws instead of requiring all feasible mitigation measures." The DEIR provides a detailed mitigation plan for future implementing development projects within the ELSP on a programmatic level. In addition, mitigation measures were developed by building on and accelerating the City's CAP measures as described in measures MM AQ-3 and MM GHG-1. Please see the below responses to SCAQMD's comments 16-7, 16-8 and 16-9. <u>Furthermore, additional project-specific environmental review per ELSPA No. 11 Section 10.7.2 is required to verify these findings made in this programmatic DEIR prior to future implementing development project implementation.</u>

17-21. The commenter states that the DEIR fails to adequately analyze or mitigate the impacts of the project on biological resources. The DEIR provides a comprehensive evaluation of potential impacts on biological resources in Section 5.3 Biological Resources, and Appendix F *Biological Technical Report for the East Lake Specific Plan Amendment No. 11*. Mitigation measures MM BIO-1 through MM BIO-10 are required for all future implementing development projects. In addition, biological mitigation measures have been updated to address commenter concerns, including those from the Wildlife Agencies. Furthermore, future implementing development projects in the ELSP would require additional environmental review and documentation prior to approval, as outlined in Section 10.7.2 of ELSPA No. 11. No further response or action is required.

17-22. The commenter provides a description of the general direct and indirect effects that development can have on ecosystems, species and loss of habitat. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-23. The commenter provides a description of the general direct and indirect effects that development can have on ecosystems, species and habitat connectivity. Indirect impacts on biological resources were analyzed in Section 5.3. Examples of indirect effects as described in the DEIR Appendix F *Biological Technical Report for the East Lake Specific Plan Amendment No. 11* Include "elevated noise, light, and dust levels, increased human activity, decreased water quality, erosion created by the removal of vegetation, and the introduction of invasive plants and unnatural predators (e.g. domestic cats and dogs)." Habitat connectivity and wildlife corridors were also analyzed in the DEIR. Please also see response to Comment 17-24. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-24. The commenter provides a general discussion about the benefits of infill development of previously disturbed sites, solar siting, wildlife movement, fencing impacts and pesticide use. The commenter makes generalized recommendations regarding fencing and connective corridors. In response to this comment and those submitted by the Wildlife Agencies, updated mitigation measure MM BIO-8 requires domestic cat-proof barriers between residential uses and preservation/conservation areas. Additionally, preservation/conservation areas in the specific plan boundary are located to encourage connectivity of the 770 mitigation areas. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-25. The commenter states that the DEIR does not contain an adequate assessment of current conditions and the extent of future impacts to biological resources because the extent of future impacts is "currently unknown." This is a programmatic level Project in support of a specific plan amendment. The Project's environmental setting has been established through aerial reconnaissance, field surveys, record searches and review of other available data. The City has not speculated on the design or operations of future implementing development projects anticipated to be constructed over the life of the specific plan or what conditions may exist in the field in the future at such time implementing development proposals may be submitted. Therefore, as a conservative approach, all developable parcels in the ELSP were considered to have permanent direct impacts for the purposes of the biological resources impact analysis. The DEIR incorporates programmatic level mitigation measures, as amended through the responses to comments received from the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). (See the below responses to Comments 17-28, 17-30, 17-35, 17-36 and 17-38.) Furthermore, future implementing development projects in the ELSP shall require additional environmental review and documentation prior to approval, as outlined in Section 10.7.2 of ELSPA No. 11.

17-26. The commenter posits that the City did not conducted adequate biological surveys and requests comprehensive floral and faunal surveys of the entire 2,950-acre specific plan area during the appropriate times of year. The DEIR provides an appropriate assessment of existing conditions for this programmatic Project. General biological surveys and literature reviews are appropriate at this phase of analysis and provide sufficient level of detail on the existing biological setting of the ELSP project site for the purposes of this programmatic level of analysis. Resources consulted for this Project are listed on page 11 of Appendix F *Biological Technical Report for the East Lake Specific Plan Amendment No. 11*. Reviewed and consulted literature and databases focused on the Survey Area, and included the following sources listed below:

- The CNDDB, a CDFW species account database that inventories status and locations of rare plants and wildlife in California, was used to identify any sensitive plant communities and special status plants and wildlife that may exist within a two-mile radius of the Survey Area. A CNDDB search was performed assessing a two-mile radius around the Survey Area (CDFW2016g). CNDDB records are generally used as a starting point when determining what special status species, if any, may occur in a particular area. However, these records may be old, lack data not

yet entered, and do not represent all the special status species that could be in that particular area;

- A map of USFWS critical habitat to determine species with critical habitat mapped in the general vicinity of the Project (USFWS 2016a);
- Online CNPS Inventory of Rare and Endangered Plants of California (CNPS 2016). A search for the USGS 7.5-Minute Topographic Map Lake Elsinore and Wildomar Quadrangles within a range of 1,100 feet to 1,500 feet elevation provided information regarding the distribution and habitats of special status vascular plants in the Project Vicinity;
- Pertinent maps, scientific literature, websites, and regional flora and fauna field guides; and
- Historic Aerials of pre-existing site condition prior to excavation of the western pit.

Furthermore, natural conditions could potentially alter field conditions over the next several decades of specific plan implementation. Therefore, future implementing development projects in the ELSP would require additional environmental review and documentation, including project-specific surveys (including protocol surveys where required) prior to approval and as appropriate prior to construction, as outlined in mitigation measures MM BIO-1, MM BIO-3 (revised), MM BIO-4 (revised), MM BIO-5, MM BIO-6 (revised), and MM BIO-7 (revised) and Section 10.7.2 of ELSPA No. 11.

17-27. The commenter states that focused surveys for special status species should be conducted. The comment focused upon comments regarding the least Bell's vireo. The appropriateness of the general biological surveys and literature reviews that were prepared at a programmatic level for the DEIR and the requirements for project-specific surveys (including protocol surveys where required) are discussed above in the response to comment 17-26. Furthermore, revised mitigation measure MM BIO-3a provides requirements for wildlife and plant species surveys as discussed below in response to comment 17-30.

17-28. The commenter states that mitigation measure MM BIO-5 "is wholly inadequate to mitigate impacts to burrowing owls" and notes that the DEIR does not indicate that focused burrowing owl surveys were performed. The commenter also states that the "burrowing owls on this proposed project site (and on other adjacent energy projects) becomes even more important to the species conservation efforts including the dwindling populations in western Riverside County and Lake Elsinore" because the "stronghold" for burrowing owls in the Imperial Valley shows signs of decline.

The appropriateness of the general biological surveys and literature reviews that were prepared at a programmatic level for the DEIR and the requirements for project-specific surveys (including protocol surveys where required) are discussed above in the response to comment 17-26. In addition to compliance with MSHCP protocols under MM BIO-5, which requires focused protocol surveys for future implementing development projects with suitable habitat, the DEIR also includes MM BIO-7 with specific

survey requirements and buffer and relocation requirements (if owls are identified) for future implementing development projects within the ELSP. No further response or action is required.

The commenter also states that "passive relocation" of burrowing owls, as described in mitigation measure MM BIO-7, is a controversial avoidance measure and that mitigation measure MM BIO-5 does not reflect the State's most recent burrowing owl mitigation guidance. Mitigation measure MM BIO-7 includes options for passive or active relocation to be chosen based on the project's design and land use in relation to the location of owls identified at future implementing development project sites. In addition, in response to comments from the USFWS and CDFW, mitigation measure MM BIO-7 bullet 2 and 3 have been revised with wording requested by those agencies to more explicitly reflect the most current State guidance as shown below:

- Pre-construction presence/absence surveys for burrowing owl within the Project site where suitable habitat is present shall be conducted by a qualified biologist within 30 days prior to the commencement of ground disturbing activities pursuant to California Department of Fish and Wildlife and MSHCP protocols (Section 6.3.2 of the MSHCP, *Additional Survey Needs and Procedures*). ~~If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum 300 feet) of any active burrow will be halted until that nesting effort is finished. The on-site biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.~~

  If BUOW are found onsite, the Lead Agency shall notify the Wildlife Agencies and the Western Riverside County Regional Conservation Authority (RCA) to develop a conservation strategy including a Burrowing Owl Relocation Plan. If active burrowing owl burrows are detected during the breeding season, the qualified biologist will establish an appropriate buffer (typically a minimum 300 feet) and all work will be halted within the buffer until the biologist observes that nesting efforts have finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.

- If active burrowing owl burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun, then passive and/or active relocation may be approved with a Burrowing Owl Relocation Plan following consultation with the City of Lake Elsinore, the Wildlife Agencies and the RCA. Passive relocation, the installation of one-way doors, is not recommended unless suitable burrows are available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Upon completion of the survey and any follow-up construction avoidance management, a report

shall be prepared and submitted to the City, the Wildlife Agencies and the RCA for mitigation monitoring compliance record keeping.

17-29. The commenter restates information provided in the DEIR about the potential for occurrence of two sensitive plant species (little mousetail and smooth tarplant), and the Traver-Domino-Willows soil association found in various locations in the Project site. The commenter also states its position that lack of plant surveys does not allow for an adequate impact analysis of the Project's potential impact on these soil types. The importance of these soil types is that they are indicators of potential suitable habitat for sensitive plant species including Narrow Endemic Plant Species and Criteria Area plant species, as described in Section 5.3.3 of the DEIR. The extent of mapped soils is shown in Figure 10a Soil Map and 10b Detail Soil Map found in Appendix F, *Biological Technical Report for the East Lake Specific Plan Amendment No. 11*. Although this discussion is included in Appendix F which is part of the DEIR, the following language and Figures 10a and 10b from Appendix F will be included in Section 5.3.3:

Soils Mapping

The United States Department of Agriculture Natural Resources Conservation Service lists 43 soil types (series) for the Survey Area (Figures 5.3-2a and 5.3-2b). The soil types within the Survey Area are predominantly loams ranging from rocky to silty in texture and many saline-alkaline. The MSHCP identifies two general classes of soil known to be associated with listed and sensitive plant species in certain regions of the MSHCP Plan Area, including clay soils and Traver-Domino-Willows association soils [clay soils digitized within the MSHCP Plan Area included the Bosanko, Auld, Altamont, and Porterville series].

The Traver-Domino-Willows association includes saline-alkali soils largely located along floodplain areas of the San Jacinto River (including the inlet to Lake Elsinore). Sensitive plants supported by the Traver-Domino-Willows soil association include two federally-listed species: San Jacinto Valley crownscale (Atriplex coronata var. notatior) and spreading navarretia (Navarretia fossalis). Other sensitive plant species found in this association include Parish's brittlescale (Atriplex parishii), Davidson's saltscale (Atriplex serenana var. davidsonii), and vernal barley (Hordeum intercedens).

Please see below for the soil type descriptions for the five soil types mapped within the Survey Area considered MSHCP sensitive:

Domino Silt Loam (Dw) [0.5% Survey Area]

The Domino series consists of moderately deep, moderately well drained soils over limecemented hardpans. Domino soils are in basin areas and have slopes up to 2 percent. The Domino soil mapped is located in the southern portion of the Survey Area. A majority of mapped Domino soil has been developed (residential development).

Traver Loamy Fine Sand, eroded (Tp2) [2.2% Survey Area] and Traver Loamy Fine Sand, salinealkali (Tr2) [8.3% Survey Area]

The Traver series is a member of a coarse-loamy, mixed, thermic family of Natric Haploxeralfs. The soils have light brownish gray, calcareous, fine sandy loam A horizons, light brownish gray, calcareous, fine sandy loam Bt horizons which overlie very pale brown, calcareous fine sandy loam C horizons. The alluvium is from granitic bedrock. The Traver soils are located in the southern and north portions of the Survey Area.

Willows Silty Clay, saline-alkali (Wm) [0.0% Survey Area] and Willows Silty Clay, strongly salinealkali (Wn) [0.2% Survey Area]

Willows Silty Clay is a silty clay soil typically associated with basin floors with slopes up to 2 percent. The alluvium is typically derived from mixed sources. These poorly draining soils are slightly to strongly saline in nature. The areas mapped within the Survey Area as Willows Silty Clay have been developed (residential development).

Soils considered MSHCP sensitive within the Infrastructure Improvement Area include the Traver Loamy Fine Sand, eroded (Tp2) and Traver Loamy Fine Sand, saline-alkali (Tr2).

No new environmental issues have been raised by this comment and no additional mitigation measures are required.

17-30. The commenter states that the DEIR acknowledges past observations of burrowing owl, least Bell's vireo, northern harrier, American white pelican, loggerhead shrike, San Diego black-tailed jackrabbit, California horned lark, and black-crowned night heron; and posits that adequate analysis is not provided for these species. The DEIR provides an appropriate assessment of existing conditions and analysis of potential impacts for this programmatic Project. Future implementing development projects in the ELSP shall require additional environmental review and documentation prior to approval, which would include a survey of the future implementing development project's baseline environmental setting and potential impacts at that time, as outlined in Section 10.7.2 of ELSPA No. 11. In addition, in response to comments from the USFWS and CDFW, mitigation as requested by those agencies to clarify the requirements for mitigating the impacts should non-MSHCP-listed sensitive species be detected onsite have been included as shown below:

MM BIO-3a Prior to issuance of any grading permit, the project applicant of a future implementing development project shall complete systematic wildlife and sensitive plant surveys to document species occurrence. For sensitive species detected onsite, but not covered by the MSHCP, project specific mitigation measures will be included in future specific plan approvals to offset impacts. These measures shall include the preservation of appropriate natural open space areas in perpetuity via a conservation easement and provision of a non-wasting endowment to fund the long-term management by a CDFW-approved

local conservation entity. Preservation of open space shall occur at a minimum 1:1 ratio.

The commenter also states that the "DEIR admits the Project is not consistent with MSHCP." This is incorrect; the DEIR analysis provided in DEIR Sections 5.3.6.10 and 5.3.6.11 shows that the Project is consistent with the MSHCP.

17-31. The commenter states that the DEIR provides inadequate analysis and mitigation for vernal pools and requests focused vernal pool surveys be conducted for the entire 2,950-acre specific plan area. The appropriateness of the general biological surveys and literature reviews that were prepared at a programmatic level for the DEIR and the requirements for project-specific surveys (including protocol surveys where required) are discussed above in the response to comment 17-26.

The commenter also states that Figure 5.3-5 does not identify potential vernal pools or the documented "Australia" Vernal Pool. Potential vernal pools were mapped in proposed Planning Area 7 and are shown along the edge of the mitigation area near the inlet channel. The "Australia" pool is not shown on the Figure as it occurs entirely within the mitigation area of PA 7; however, for clarification Figures 5.3-5 and 5.3-6 have been updated to show the footprint of the "Australia" pool and to better show potential vernal pools. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-32. The commenter states that no avoidance, minimization or mitigation measures are provided in the event vernal pools are discovered in areas designated for development. Mitigation measures MM BIO-3 and MM BIO-9 address vernal pools. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-33. The commenter stated that DEIR page 5.3-29 "excuses the City from conserving acreage in a manner that protects specific habitat or wildlife movement corridors" by "contracting out" of its CEQA obligations through the Back Basin 770 Plan. This comment is a misrepresentation of the discussion included in the DEIR. The DEIR explains that, as a result of the City's discussions with the Wildlife Agencies during the original formation of the MSHCP, it was determined that conservation goals in the Back Basin were not tied to protection of specific habitat or wildlife movement corridors, but rather to the need to conserve a minimum of 770-acres in the Back Basin in order to meet the numeric requirements for the MSHCP. In addition, conservation areas identified in the 770 Plan, which are consistent with the areas proposed by the Project, including soils of the Traver series, allow for mitigation/conservation of the smooth tarplant, allow movement of species along the lower San Jacinto River as well as the historic alignment of the San Jacinto River through the Back Basin, allow for shorebird use and management of edge conditions. In response to this comment, the Back Basin 770 Plan MSHCP consistency documentation has been included as Appendix F(1) per the commenter's request. Appendix F(1) is a letter from CDFW to Lake Elsinore dated October 2013 that provides further information on CDFW's understanding of the history of the 770 Plan. Additionally, the Back Basin 770 Plan discussion on pages 5.3-29 and 5.3-30 has been clarified as follows:

[…]The City assists in processing projects consistent with the Plan, including review through the City of Lake Elsinore Acquisition Process (LEAP) and pursuant to Section 6.0 of the MSHCP. Consistency reviews for proposed development within Criteria Cells also require a Joint Project Review with the Regional Conservation Authority. Plan wide MSHCP requirements for implementing development projects include the following: Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4). MSHCP Section 6.1.4 Urban/Wildlands Interface also contains provisions for development to address impacts from drainage, toxics, lighting, noise, invasive species, barriers (for restricting public access, domestic animal predation, illegal trespass and dumping), and grading/land development on MSHCP conservation areas.

Back Basin 770 ~~Agreement~~ Plan

In 2003, when the draft MSHCP mapping was first released to the public, the original cell criterion for the Back Basin was not acceptable to the City of Lake Elsinore because it would have created severe economic impacts to the City based on its effect on the longstanding Lake Elsinore East Lake Specific Plan. To rectify this situation, a series of meetings were held between the City of Lake Elsinore, Jim Bartel of the U.S. Fish and Wildlife Service (USFWS), Ron Rempel of the CDFW and staff and consultants from Riverside County and representatives of Laing-CP Lake Elsinore, who was developing the Summerly project at the time. A letter from CDFW to Lake Elsinore dated October 2013 provides further information on CDFW's understanding of the history of the 770 Plan (Included as Appendix F(1)).

As a result of the City's discussions with the agencies, it was determined that conservation in the Back Basin was not tied to protection of specific habitat or wildlife movement corridors, but rather to the need to conserve a minimum of 770-acres in the Back Basin in order to meet the numeric requirements for the MSHCP (Back Basin 770 ~~Agreement~~Plan). As described in CDFW's October 2013 letter to the City (AppendixF(1)), conservation in the ELSP site conservation lands used to achieve the 770 Plan should target lands that benefit shorebirds or wetland/marsh associated species, vernal pool species, sensitive plant species, and/or Planning Species for Subunit 3 and Proposed Extension of Existing Core 3, as described in the MSHCP. All lands should be managed consistent with the MSHCP and protected, in perpetuity, and will be reviewed and approved by CDFW, USFWS, and RCA. Several specific geographic areas in the Back Basin have been previously identified for conservation toward fulfillment of the 770-acre requirement, including Planning Area 5, most of Planning Area 7, and smaller portions of other Planning Areas as Preservation/Mitigation Areas. These areas are depicted as "Mitigation Area" on Figure 5.3-1 and described in more detail in ELSPA No. 11 Section 2.5.4 which provides the following description of the currently identified areas:

Wetland Mitigation Area

Within Planning Area 5 is the commonly referred to "356-acre Wetland Mitigation Area" which is actually approximately 369.3 acres in size. This area contains the existing U.S. Army Corps of Engineers' man-made wetlands created as part of the Lake Elsinore Management Project. The wetlands provide habitat for birds, small mammals, reptiles and amphibians. No development shall occur within the Wetland Mitigation Area except for those improvements that are necessitated to implement the Lake Elsinore Management Project, as permitted by the U.S. Army Corps of Engineers or to enhance the existing 356-acre Wetland Mitigation Area.

San Jacinto River Corridor and River/Lake Corridor

Located within the Links at Summerly Golf Course in Planning Area 1, the approximately 25-acre San Jacinto River Corridor follows the historic drainage course of the river and provides an approximately 200-foot wide wetlands and wildlife corridor function. This corridor is separated from urban land uses to enhance its biological value and wetlands function.

In addition to the 25-acre San Jacinto River Corridor, an approximately 10-acre, 165-foot wide River/Lake Corridor wetland is located on the western edge of Planning Area 1, adjacent to Planning Area 6.

Lake Elsinore Inlet Channel

As part of the Lake Elsinore Management Project, the U.S. Army Corps of Engineers created a "lake type inlet" with the purpose of conveying discharge from the San Jacinto River into Lake Elsinore. The 130-acre inlet channel and portion of the San Jacinto River are located in Planning Area 7 and are designated as a Preservation/Mitigation Area. Recreational water sports will continue to be allowable uses within the inlet channel.

"Australia" Vernal Pool Mitigation Area

Located within Planning Area 7, the City-owned 33-acre preservation area contains the "Australia" shaped vernal pool and additional mitigation capability for sensitive plant species.

11.66-acre TR 30846 (Serenity Park)

The 11.66 mitigation area located at the southeast corner of the Eastlake Specific Plan between Corydon and Skylark, which was dedicated as part of the Serenity Project.

"T" Peninsula Area

The 11.5-acre mitigation area located at the end of the "T" Peninsula in Planning Area 6 will be used to provide biological habitat functions and will be conserved and managed in accordance with the adopted Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Open Space Buffers

Located along the southerly boundary of Planning Area 1, an approximately 71-acre open space buffer separates the Summerly Residential Neighborhood and The Links at Summerly golf course from the 356-acre Wetland Mitigation Area immediately to the south of Planning Area 1. It will provide drainage, flood retention and biological habitat functions.

An additional open space buffer to separate the 356-acre Wetland Mitigation Area from adjacent uses has been included in the ELSP as follows:

- City-owned land along the southern edge of Planning Area 5 between the 356-acres and the southwestern boundary of the ELSP. (Approximately 48 acres)

17-34. The commenter states that the DEIR fails to adequately analyze or mitigate impacts to special status wildlife and that the DEIR must analyze and mitigate all impacts on special status species, including CDFW species of special concern. Analysis on potential impacts to special status species and species of concern is provided in Section 5.3.6.1 and 5.3.6.2 of the DEIR. Impacts are summarized and mitigation is provided in Section 5.3.9.1. In response to this comment, the discussion in Section 5.3.6.2 has been clarified as shown below. Please also note that Figure 3-4 has been revised to include portions of the western shoreline/existing levee in Planning Areas 5 and 6 within the specific plan boundary, consistent with the current specific plan boundary. In response to public and agency comments, this additional area has been designated as a Preservation/Mitigation use.

Potential Impacts to Special Status Plants and Wildlife

There is potential for direct and indirect impacts to special status plants and wildlife within the Project site during operation of the proposed Project, which would result from increased encroachment (i.e. offroading) within undeveloped portions of the Project site, as the Project site is made more accessible through installation of new roads, and incremental development of the site. Domestic cats may also pose a potential hazard to species where residential areas are situated adjacent to conservation areas. In addition, as the site is developed, less suitable habitat would remain for those special status species identified as occurring in the Project site. ~~These impacts are anticipated to be less than significant.~~

Much of the proposed planning areas are undeveloped and not lit at night, with the exception of proposed PA-1, PA-4 and portions of PA-2, PA-3 and PA-8. New development may increase the overall level of ambient light at night in areas adjacent to open-space conservation/mitigation

areas. Species in these areas may be subject to increased predation from diurnal predators foraging for longer periods with light from adjacent development and increase visual acuity by nocturnal predators without proper shielding or buffers. Indirect noise impacts on adjacent open-space conservation/mitigation areas may also pose a source of nuisance or disruption to wildlife breeding, roosting, nesting and/or foraging activities without proper shielding or buffers.

Direct impacts are anticipated to be less than significant based on the Project's obligation to preserve a minimum of 770 acres of Preservation/Mitigation Areas, as shown on Figure 3-4 Proposed Land-Use Plan, and based on the requirement that future implementing development projects must help meet and manage preservation/mitigation areas per ELSPA No. 11 Section 2.5.4.2. It is further anticipated that managing and policing conserved areas to prohibit illegal offroading and dumping would be facilitated by new development and police and property owner access within the Project site.

Indirect impacts related to drainage, toxics, lighting, noise, invasive species, barriers (for restricting public access, domestic animal predation, illegal trespass and dumping), and grading/land development are anticipated to be less than significant through compliance with MSHCP urban interface requirements detailed in Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface. Furthermore, additional project-specific environmental review per ELSPA No. 11 Section 10.7.2 is required to verify these findings made in this programmatic DEIR prior to future specific development project implementation. Specific measures to minimize noise impacts may include one or more of the following: setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines. Specific measures to minimize night-lighting impacts may include one or more of the following: directing night lighting away from conservation areas; shielding of lights to ensure ambient lighting in the conservation areas is not increased; use of amber lights; the use of motion sensors and other controls, especially for security lighting, so that lights operate only when the area is occupied by people; surface treatment specifications that minimize glare and sky glow; and always-on security lighting be limited to one low-wattage, fully shielded, full cutoff light fixture at the main entrance to facilities.

The commenter also provides a general discussion of special status species, including species of special concern as defined by CDFW, and general regulatory requirements under the Endangered Species Act (ESA) and CEQA. The information provided in this comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-35. The commenter states that the Project will impact the following special status species, which are not covered by the MSHCP: western snowy plover, American white pelican, coast patch-nosed snake and two-stripped garter snake. A discussion and impact analysis for these species is included in the DEIR at pages 5.3-33 and 5.3-34, which determined impacts would be less than significant. Regarding the western snowy plover, the DEIR occurrence data for species was taken from the California Natural

Diversity Database (CNDDB), which is an industry standard data resource. However, the commenter has identified an alternative online resource documenting several recent sitings along the Lake shoreline in July of 2016. These sitings have been added to the DEIR as described below.

The commenter also questions the concept that "With implementation of the MSHCP Conservation requirements, suitable habitat for the coast patch-nosed snake would be preserved within the Back Basin" because the coast patch-nosed snake is not covered by the MSHCP. It was not the intent of the DEIR to suggest that this species is covered by the MSHCP, but only that collateral effect of compliance with the MSHCP would be the preservation of coast patch-nosed snake habitat.

In response to this comment, the discussion of these species on page 5.3-33 of the DEIR has been revised for clarity as shown below. Please also note that Figure 3-4 has been revised to include portions of the western shoreline/existing levee in Planning Areas 5 and 6 within the specific plan boundary, consistent with the current specific plan boundary. In response to public and agency comments, this additional area has been designated as a Preservation/Mitigation use.

Potential Impacts to Special Status Wildlife

Of the federal and state endangered or threatened species with potential to occur within the Project site, the western snowy plover is the only species not covered under the MSHCP. ~~Based on the lack of recent observation (within the last 40 years), it is unlikely the species would occur in the Project site. Although occurrence of western snowy plover is unlikely, any potential for impacts to this species during construction of future implementing development projects would be minimized through implementation of MM BIO-7, which requires all future implementing development projects in the Project site to complete a pre-construction nesting bird survey prior to clearing and grubbing activities within the Project site. Therefore, potential impacts to western snowy plover would be less than significant.~~ Figure 8 of the Biological Technical Report shows historical CNDDB occurrences of plover around the Lake shoreline, consistent with the July 2016 sitings (eBird, https://ebird.org/ebird/hotspot/L1743855). As shown in Figure 3-4, Land Use Plan, the proposed development areas avoid lake shoreline areas by preserving proposed Planning Area 5, Planning Area 7 and approximately 50 percent of the "T Peninsula" in Planning Area 6. Implementation of MM BIO-7 for preconstruction nesting bird surveys and avoidance of development in these areas would ensure potential short-term and long-term impacts to western snowy plover are less than significant. In addition, future implementing development projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

Impact BIO-4 *Construction of future implementing development projects including clearing, grubbing, and demolition activities ~~would~~ may result in ~~less than significant~~ impacts to western snowy plover and other nesting birds in the Project site.*

Three additional special status wildlife with potential to occur in the Project site are not covered by the MSHCP including:

- American white pelican: potential nesting grounds and foraging habitat are not expected to be directly impacted by development within the Project site due to the designated preservation/mitigation areas in Planning Areas 5, 6 and 7 and due to avoidance of shoreline development. In addition, although potential roosting and breeding habitat occurs along the avoided shoreline areas, Lake Elsinore is considered more of a stopover location for migrating pelicans rather than a roosting/breeding ground because the species requires safe roosting and breeding places in the form of well-sequestered islets. Therefore, no direct and no significant indirect impacts are expected based on the general avoidance of shoreline and designated preservation areas that will provide adequate habitat and buffer distances between any potential birds and development. ~~, and less than significant impacts would result from the Project~~. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

- Coast patch-nosed snake: potential loss of suitable habitat for this species, which typically includes semi-arid brush areas, canyons, rocky hillsides, and plains would result from the Project. ~~With implementation of the MSHCP conservation requirements~~, However, suitable habitat for the coast patch-nosed snake would be preserved within ~~the Back Basin~~ Preservation/Mitigation Areas, as shown on Figure 3-4 Proposed Land Use Plan, designated for achieving MSHCP conservation goals of the Back Basin 770 Plan. Preserved suitable habitat would include part of those currently identified mitigation areas associated with the Summerly development known as the "25-acre site" – upstream area and slopes in the "10-acre site" (semi-arid brush); along Rome Hill (rocky hillside) and other areas that fall into that classification (the slopes in the future "71-acre site" plus part of the preservation areas in PA-4, PA-5 and PA-7). Given the potential loss of habitat impacts and implementation of MSHCP Conservation requirements that would retain suitable habitat, impacts to this species would be less than significant. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

- Two-striped garter snake: potential loss of suitable habitat for this species would result from the Project. However, ~~T~~there is a low potential for occurrence onsite or impacts ~~and~~ because suitable habitat is limited to areas adjacent to open water, which would primarily include areas along the Lake shoreline and San Jacinto River inlet channel that are to remain undeveloped. No other open water areas have been observed in the survey area. Given the limited potential for direct impact and no significant indirect impacts expected to this species per the Technical Report, the minimal potential loss of habitat would result in a less than significant impact to this

species. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

17-36. The commenter states that the DEIR fails to adequately analyze or mitigate impacts on the Riverside Fairy Shrimp. The DEIR provides both an analysis and mitigation that is appropriate for this programmatic Project. The discussion on page 5.3-34 has been amplified for clarity as described below.

Potential Impacts to Critical Habitat

Riverside Fairy Shrimp Critical Habitat is located in the Project site within the 33-acre preserved open space (see Figure 5.3-6, Critical Habitat). Direct impacts to Riverside Fairy Shrimp Critical Habitat are identified within the Infrastructure Improvement Areas including 0.28 acre permanent impact~~s~~ and 0.91 acre temporary impact~~s~~ (total of 1.23 acres). ~~However,~~ These impact calculations account for a worst-case evaluation of potential impacts because they include everything within the Infrastructure Improvement Area study area, which does not account for ultimate roadway widths, alignment or design. ~~in f~~During future final design of the roadway improvements at this location, the City would avoid and minimize these impacts to the maximum extent practicable. If avoidance is not possible, mitigation measure MM BIO-6 requires focused surveys be conducted to determine presence/absence of Riverside fairy shrimp within the Infrastructure Improvement Areas. If fairy shrimp are present, the City shall determine whether avoidance can be achieved. If not, mitigation measure MM BIO-6 would require 90 percent of the occupied portions of the property that provide for long-term conservation value for the fairy shrimp to be conserved consistent with the MSHCP. ~~No indirect impacts due to the Infrastructure Improvements are expected with the implementation of MSHCP urban interface requirements.~~ Direct impacts to the Riverside Fairy Shrimp Critical habitat, to the extent it occurs, would be considered less than significant if in-kind replacement within the Back Basin occurs, avoidance of Critical Habitat is achieved, or the constituent elements for ~~F~~fairy ~~S~~shrimp are documented to be absent prior to these impacts occurring. Furthermore, MSHCP compliance and additional environmental review is required to verify these findings made in this programmatic DEIR prior to future implementing development project implementation.

No indirect impacts due to the Infrastructure Improvements are anticipated with the implementation of MSHCP urban interface requirements detailed in Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface. Compliance with these standard guidelines would ensure indirect impacts from drainage, toxics, lighting, noise, invasives, barriers, and grading/land development are less than significant. Specifically, compliance with drainage and toxics guidelines would ensure less than significant impacts occur to the watershed of any vernal pools that may be found during future implementing development project project-level surveys.

~~Riverside Fairy Shrimp Critical Habitat is located in the Project site within the 33-acre preserved open space (see Figure 5.3-6, Critical Habitat).~~

No additional direct impacts are anticipated to Riverside Fairy Shrimp Critical Habitat. No further direct or indirect impacts to Riverside Fairy Shrimp Critical Habitat are expected to result from the implementation of other future implementing development projects within the Project site.

The commenter also asks that the Project implement the recommendations of U.S. Fish and Wildlife Service's Recovery Plan for Vernal Pools of Southern California. The USFWS was an active participant in the development and adoption of the MSHCP and issued a Biological Opinion for the MSHCP. Because Riverside fairy shrimp are a covered species under the MSHCP, implementation of a future implementing development project in compliance with MSHCP requirements would fulfill the requirements for the species. Therefore, reference to the Recovery Plan is not required. Appropriate mitigation would be fulfilled through compliance with Section 6.1.2 (Protection of Species associated with Riparian/Riverine/Vernal Pool resources). If this species is identified on future implementing development project sites, the MSHCP requires 90 percent of the occupied portions of the property that provide for long-term conservation value for the fairy shrimp to be conserved. Mitigation measure MM BIO-6 has been revised as shown below to ensure consistency with the MSHCP.

MM BIO-6 Unless impacts can be avoided, focused surveys conducted pursuant to Appendix E of the MSHCP, Summary of Species Survey Requirements~~should~~ shall be conducted to determine presence/absence of Riverside fairy shrimp within vernal pool habitat. If fairy shrimp are present, the City shall determine whether avoidance can be achieved. If not, ~~mitigation will be provided at a 2:1 ratio in the form of in kind habitat replacement within the Back Basin , and~~ 90 percent of the occupied portions of the property that provide for long-term conservation value for the fairy shrimp shall be conserved consistent with the MSHCP.

17-37. The comment states that the DEIR fails to set forth adequate or enforceable mitigation measures to protect special status wildlife, regarding wetlands and Waters of the United States (WOUS). Specifically, the comment states that mitigation measure MM BIO-8 "recommends" minimum mitigation ratios which, by way of recommendation, is not enforceable. Ratios were framed as recommendations because ultimately the regulatory agencies will require specific ratios through the permitting process on a project-specific basis in consideration of site characteristics, resource values, and nature of impacts.

The commenter also states that mitigation ratios provided are inadequate. The ratios provided in measure MM BIO-8 establishes minimums, not maximums. The 4:1 or 5:1 ratio recommended by the commenter for impacts to WOUS is arbitrary and unsupported. Impact ratios established for vegetation communities such as ornamental woodland and tamarisk scrub are less than 1:1 because these communities have low habitat value or are considered invasive vegetation communities.

However, in response to this comment and those from USFWS and CDFW, the following mitigation measure MM BIO-8 has been added; and mitigation measures previously identified as MM BIO-8 and MM BIO-9 have been renumbered as MM BIO-9 and MM BIO-10, respectively.

MM BIO-8 To reduce the impact of domestic cats on special status species in the conservation areas, cat-proof barriers shall be erected between future implementing residential development projects and any conservation area that exists at the time of development. The barrier should consist of a minimum 8-foot tall fencing made of secure materials that cats cannot scale placed along the entire boundary adjacent to the conservation areas to prohibit movement of people and pets from residential and recreational areas into the conservation area. No section of the barrier should include clear panels or sections such as glass or plastic as these are a hazard to birds, which may fly into them and perish.

17-38. The commenter states that the DEIR does not establish that the Project will comply with the MSHCP. The commenter also states that the DEIR needs to discuss the MSHCP-mandated Guidelines with regards to the protected species at issue. The Project does comply with the MSHCP as discussed in Sections 5.3.6.10 and 5.3.6.11. The DEIR provides an appropriate assessment of existing conditions for this programmatic Project. General biological surveys and literature reviews are appropriate at this phase of analysis and provide sufficient level of detail on the existing biological setting of the ELSP project site for the purposes of this programmatic level of analysis. Furthermore, natural conditions could potentially alter field conditions over the next several decades of specific plan implementation. Therefore, future implementing development projects in the ELSP would require additional environmental review and documentation including project-specific surveys (including protocol surveys where required) prior to approval and as appropriate prior to construction, as outlined in mitigation measures MM BIO-1, MM BIO-3 (revised), MM BIO-4 (revised), MM BIO-5, MM BIO-6 (revised), and MM BIO-7 (revised) and Section 10.7.2 of ELSPA No. 11. Furthermore, additional project-specific environmental review per ELSPA No. 11 Section 10.7.2 is required to verify these findings made in this programmatic DEIR prior to implementation of future implementing development projects. No further response or action is required. In response to this comment letter and the Wildlife Agencies' comment letter, applicable mitigation measures have been revised below as follows:

MM BIO-3a Prior to issuance of any grading permit, the project applicant of a future implementing development project shall complete systematic wildlife and sensitive plant surveys to document species occurrence. For sensitive species detected onsite, but not covered by the MSHCP, project specific mitigation measures will be included in future specific plan approvals to offset impacts. These measures shall include the preservation of appropriate natural open space areas in perpetuity via a conservation easement and provision of a non-wasting endowment to fund the long-term management by a CDFW-approved local conservation entity. Preservation of open space shall occur at a minimum 1:1 ratio.

MM BIO-4 ~~Mitigation for impacts to special status plant species caused by development within the Project site will be achieved through compliance with MSHCP~~

~~requirements. Each development will go through the MSHCP approval process (including required Narrow Endemic and Criteria Area Plant surveys). If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.).~~

~~Surveys for Narrow Endemic and Criteria Area Plant species will occur during the appropriate season within the Infrastructure Improvement Areas. If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.) Translocation may occur in preserved open spaces areas.~~

Future implementing development projects within the ELSP will adhere to the MSHCP special status plant species requirements, which include the Narrow Endemic and Criteria Area Plant surveys (NEPSSA and CAPSSA respectively). All surveys will be performed during the time of year specified in the MSHCP. Per the MSHCP, either Equivalency Findings or a Determination of Biologically Equivalent or Superior Preservation (DBESP) will be prepared for each project on which a NEPSSA or CAPSSA species is found during surveys. If 90% of the area with long term conservation value to the NEPSSA or CAPSSA plant species on the project site can be avoided then an Equivalency Finding will be made. If impacts to more than 10% of the area with conservation value to the plant species is not avoided, then a DBESP will be prepared and provided to the Wildlife Agencies for review and approval.

MM BIO-4a Whenever more than 10% of the area with long term conservation value within a future implementing development project's footprint is affected by that future implementing development project's activities and the DBESP has been prepared and approved, if the mitigation strategy includes translocation and or seed collection with propagation to an on-site or off-site preserved property, the receiving property must be acceptable to the City and Wildlife Agencies. The property shall provide habitat characteristics suitable to support the plant species, including but not limited to: appropriate soils, elevation, hydrology and vegetation community. The property shall be conserved via recordation of a conservation easement or deed restriction in favor of a CDFW-due diligence

approved local conservation entity to protect sensitive plant species on the property in perpetuity. Alternatively, the land may be transferred in fee title to a CDFW-approved local conservation entity. A management fund shall be established by the Applicant and will consist of an interest-bearing account with the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the conservation area(s), including but not limited to, reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, long-term management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted by the Applicant and approved by the City to determine the management needs and costs described above, which then will be used to calculate the capital needed for the management of the fund. This management fund shall be held and managed by a CDFW-approved local conservation entity. To protect the mitigation area(s), the Applicant shall place appropriate fencing and/or natural barriers and signage around the perimeter of each site. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s), and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials. Mitigation areas can include limited trails to allow passive use of the land, subject to CDFW and City approval. Prior to any ground disturbance, the Applicant shall prepare a Planting Plan (Plan) for sensitive plant species. The Plan shall require a replacement ratio of 1:1 by area, and ensure a minimum 90 percent survivorship at the end of a five-year monitoring period, which shall be verified by the monitoring biologist (minimum qualifications of the monitoring biologist are specified below). At a minimum, the five-year plan shall include the following information:

a. A description of the existing conditions of the receiver site(s), characterizing the suitability of the site(s) for the plant, and documenting the acreage of the site.
b. A description of how the site will be preserved in perpetuity, e.g., conservation easement, deed restriction, etc., and the name of the CDFW-approved due diligence entity that will hold the easement/deed restriction, etc.
c. Qualifications of the monitoring biologist: At a minimum, the monitoring biologist will possess a minimum of two-year's experience conducting habitat restoration projects in coastal sage scrub, chaparral and/or other native habitat in Riverside County, California.
d. Receiver site preparation for transplanting.

e. Goals for success.
f. Schedule.
g. Propagation techniques.
h. Transplant and seedling installation methods.
i. Plant spacing.
j. Performance criteria for success, including provision for control of non-native and invasive species.
k. Monitoring and reporting procedures for each of the five years of the monitoring period.
l. Adaptive management strategies, including a contingency plan should the site fail to meet the specified success criteria.
m. Maintenance requirements that will be reviewed and approved by the City. The Plan shall also ensure a mixture of both male and female plants (where appropriate).

MM BIO-7 The following measures shall be performed by each respective applicant for future implementing development projects prior to clearing and grubbing within the Project site to avoid impacts to burrowing owl and other nesting birds:

- Prior to the commencement of future implementing development project-related activities (including all ground-disturbing activities) during the nesting season of January 1 through September 1, ~~The removal of potential nesting bird habitat will be conducted outside of the nesting season (February 1 to August 31) to the extent feasible. If grading or site disturbance is to occur between February 1 and August 31,~~ a nesting bird survey shall be conducted by a qualified biologist ~~within no~~ not more than 72 hours ~~of~~ prior to ground disturbance activities ~~scheduled vegetation removal~~, to determine ~~the presence of~~ if active bird nests or nesting birds are present. If active nests are identified, the avian biologist will establish appropriate buffers around the ~~vegetation~~ nest (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers will be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The on-site biologist will review and verify compliance with these nesting boundaries and will verify the nesting effort has finished. Work can resume within the buffer area when no other active nests are found. Alternatively, the qualified avian biologist may determine alternate appropriate buffer distances by referencing current species-specific standards, and taking into account the conservation status of the species, species-specific biology, and the nature of the planned disturbance (e.g., driving past a nest versus extensive grading).~~a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan~~

~~to prevent any impacts while the nest continues to be active (eggs, chicks, etc.).~~ In either case, the qualified avian biologist shall develop a monitoring plan to ensure that the project complies with all rules and regulations pertaining to nesting birds. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping. If vegetation clearing is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.

- Pre-construction presence/absence surveys for burrowing owl within the Project site where suitable habitat is present shall be conducted by a qualified biologist within 30 days prior to the commencement of ground disturbing activities pursuant to California Department of Fish and Wildlife and MSHCP protocols (Section 6.3.2 of the MSHCP, *Additional Survey Needs and Procedures*). ~~If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum 300 feet) of any active burrow will be halted until that nesting effort is finished. The on-site biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.~~

  If BUOW are found onsite, the Lead Agency shall notify the Wildlife Agencies and the Western Riverside County Regional Conservation Authority (RCA) to develop a conservation strategy including a Burrowing Owl Relocation Plan. If active burrowing owl burrows are detected during the breeding season, the qualified biologist will establish an appropriate buffer (typically a minimum 300 feet) and all work will be halted within the buffer until the biologist observes that nesting efforts have finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.

- If active burrowing owl burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun, then passive and/or active relocation may be approved with a Burrowing Owl Relocation Plan following consultation with the City of Lake Elsinore, the Wildlife Agencies and the RCA. Passive relocation, the installation of one-way doors, is not recommended unless suitable burrows are available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be

excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City, the Wildlife Agencies and the RCA for mitigation monitoring compliance record keeping.

17-39. The commenter states that the DEIR is inconclusive as to whether the Project would be consistent with the MSHCP, excerpting two sentences from page 5.9-16 as evidence. These sentences from the discussion of Threshold LUP-C are presented in the comment letter out of context. The complete text on page 5.9-16 shows that the DEIR states that although future implementing development projects "could" conflict with the MSHCP; implementation of the goals and policies in the Biological Resources section of the Resource Protection chapter of the General Plan Update which "ensure that the City is consistent with the programs and policies set forth in the MSHCP." The conclusion of this analysis clearly states, "The Project would comply with the MSHCP; ***therefore, impacts would be less than significant and no mitigation required***." (DEIR 5.9-16, no emphasis added).

17-40. The commenter states that the DEIR defers to the MSHCP for analysis of impacts and mitigation for special-status species; the comment requests a full quantitative analysis of impacts on a "project-level" basis. The DEIR demonstrates Project consistency with the MSHCP as a programmatic specific plan land use implementation document intended to guide future development in the approximately 2,950-acre ELSP over the next 20 plus years. A full quantitative analysis would require details on all future implementing development projects, such as details on development footprints, locations, designs, proximities to resources, construction schedules and operations, which are currently unknown. Rather than speculating on the nature of these unknown details, the DEIR provides an appropriate impact analysis based on proposed land uses and mitigation is included where required. In addition, the Wildlife Agencies on page 2 of their June 6, 2017 comment letter, "acknowledge that the project is a specific plan and that additional environmental review may be forthcoming (on a project-by-project basis)." Section 10.7.2 of ELSPA No. 11 outlines the process for additional environmental review under CEQA as future implementing development projects within the ELSP seek project-specific discretionary approvals.

17-41. The commenter states that the DEIR does not adequately analyze noise impacts. Potential noise impacts on wildlife were analyzed in DEIR Section 5.3.6.2. The discussion in Section 5.3.6.2 has been amplified for clarity as described above in response to comment 17-34.

17-42. The commenter states that the DEIR does not address harmful interactions between humans and wildlife such that coyotes and other animals could forage in trash cans, prey on domestic pets, and otherwise disturb and frighten residents – potentially resulting in residents poisoning animals that could then kill an endangered or special status species. As described in the amplified Section 5.3.6.2 described above in response to comment 17-34, direct and indirect impacts would be less than significant based on the Project's obligation to preserve a minimum of 770 acres of Preservation/Mitigation Areas and through compliance with MSHCP urban interface requirements detailed in Section 6.1.4 Guidelines

Pertaining to the Urban/Wildlands Interface. EIR Sections 5.3.4.3 and 5.3.6.2 have been revised to amplify this discussion as shown above in responses to Comments 17-33 and 17-34. Finally, it should be noted that the Project site is already approved for predominantly residential land use development under the existing adopted ELSP, which is the type of land use most closely associated with the commenter's concerns. The proposed Project would reduce the amount of residential uses at the Project site with predominantly sports and recreation-oriented uses.

17-43. The commenter provides a description of general issues related to urban/wildlands interface including wildlife dependency on human-supplied food; as an example, bird feeders placed outside people's homes can increase certain bird-species populations as well as bird predators in that area, creating competition among birds, increased predation, and the spread of parasites between species. See response to comment 17-42 above.

This comment also describes the subject Project as an "exurban type of development" and discusses biological issues associated with "exurban development." As described above in the response to comment 17-5, the Project site is located in the City of Lake Elsinore within 0.25 mile of the Interstate 15 Freeway and is bound by existing urban and suburban development of the City of Lake Elsinore to the north, City of Wildomar to the east and unincorporated County to the south. The Project site, which has been subject to an adopted specific plan since 1993, is already partially developed with residential development, an 18-hole golf course, a motocross facility and a private recreational airport. The proposed Project is in effect an infill project, and therefore, does not meet the definition of an "exurban development."

17-44. The comment provides a general discussion of impacts to habitat and species resulting from development of large renewable energy solar and wind projects. The Project does not propose a renewable energy solar or wind project.

The comment also introduces the concept of distributed solar as a means to reducing the impacts associated with energy production. Section 2.4.1 (Specific Plan Development Requirements) of the ELSPA No. 11 contains a project-wide standard (Standard 27), which directly relates to energy efficiency. Specifically, Standard 27(c) requires that all new construction shall be consistent with CalGreen Tier 1 energy-efficient building standards through either the performance based or prescriptive approach described in the California Green Building Code. Alternately, a solar photovoltaic system and/or solar water heating may be used to assist in meeting all or a portion of the 15% requirement. See the response to comment 17-59 regarding roof top solar energy.

17-45. The comment provides a general discussion about the need for new forms of energy generation, efficiency and conservation to reduce greenhouse gas and other air pollution. The comment also describes general standards related to the California Green Building Standards Code and the Public Utilities Commission's zero net energy residential development goals for 2020 and 2030. Future implementing development projects within the ELSP would be required to conform with building efficiency standards in effect at the time that building permits are issued. In addition, ELSPA No. 11 provides additional information on energy efficiency requirements as described in Section 9.1.2.2

Energy. Further, DEIR mitigation measure MM GHG-1, as amended in the below response to comment 17-51, has required projects to accelerate the City's Climate Action Plan and Title 24 with increased energy efficiency requirements.

17-46. The comment states that "neither the Draft EIR nor the CalEEMod spreadsheets describe how or whether the project size and attributes analyzed by CalEEMod are identical to the project described in the Draft EIR." The DEIR Project Description summarizes analyzed land use activities. CalEEMod was used to quantify operational emissions and residential population based on land use types and land use activities discussed in the Project Description. However, whereas the Project Description presents a lay-person description of land use activities, CalEEMod requires a specific technical input format. Table 1 (East Lake Specific Plan Land Use by Phase) in Appendix B (Calculation Tables) of the Draft EIR Technical Appendix E (Air Quality and Greenhouse Gas Analysis) presents the actual land use information developed by the City. This information was summarized by land use category and used in CalEEMod. Section 1.1 of each CalEEMod modeling run output identifies the summarized land uses and associated metrics used in the analysis.

The comment also makes the statement that "as noted in the Air Quality section above, there appear to be assumptions in the CalEEMod analysis that are not explained or supported by evidence." Please see the above response to comment 17-7.

17-47. The comment restates a portion of the DEIR describing the programmatic nature of this specific plan Project and need for future quantitative analysis at a project-specific level and suggests that this means that this represents "only a partial analysis of the GHG and air quality impacts of the Project." As discussed in the DEIR, this is a programmatic level Project in support of a specific plan amendment. The City did not speculate on unknown construction activities or schedules of future implementing development projects over the life of the specific plan. The GHG analysis is a complete analysis with an appropriate level of detail for a program EIR. Future implementing development projects in the ELSP shall require additional environmental review and documentation prior to approval, as outlined in Section 10.7.2 of ELSPA No. 11.

17-48. The comment states that the DEIR defers dispersion modeling to analyze localized impacts and states that it is not clear how future analysis would occur with future implementing development project-specific analysis. Please see above response to comment 17-10.

17-49. The comment states that land use targets provide sufficient information to quantify construction GHG emissions. The use of land use targets alone would result in only a partial analysis of GHG construction emissions. GHG emissions result from direct sources (e.g., off-road construction equipment, on-road haul and delivery vehicles, worker vehicles) and indirect sources (e.g., the use of electricity). Land use targets could be used to predict construction equipment utilization, but not the use of on-road haul and delivery vehicles because this information would be specific to the location and requirements of each construction project. For example, the types and quantities of construction materials, the distance needed to bring them from the manufacturers to the project site, and construction schedules would vary from project to project even for the same land use type. This

information cannot be known or estimated until actual implementing development projects are submitted for City review. Inasmuch as such future GHG emissions cannot be quantified without knowing the specifics regarding individual development projects, quantification would be speculative and cannot be accurately determined as part of this DEIR. (See CEQA Guidelines Section 15145.) Additionally, a partial analysis of GHG emissions would not provide useful information for decision makers, would not alter the determination of significance in the DEIR, and would not relieve the need for further project-specific analysis.

17-50. The comment requests a citation that supports the DEIR's conclusion that construction GHG emissions typically constitute 5 percent or less of total Project emissions. In response to this comment, the following footnote has been added to the DEIR's reference that construction-related GHG emissions "would be expected to generate a relatively small amount of the Project's total future GHG emissions (approximately 5% or less) compared to the operational phase emissions, quantified in Table 5.6-3" (pages 5.6-13 and 5.6.14); to provide this requested source information for clarification:

> [2] The approximate 5 percent or less estimate cited here and in Appendix E (Air Quality and Greenhouse Gas Analysis) is based on three other analyses prepared by iLanco Environmental, LLC for residential and commercial developments within the past 5 years; and is provided for informational purposes only and is not used for determination of significance. Construction GHG emissions as a percentage of these projects' total emissions equaled 3 percent, 1 percent and 1 percent. The project exhibiting the highest percentage of GHG emissions at 3 percent was mainly attributed to the intensity of site preparation required, which included demolition, onsite-crushing, import of fill, soil remediation of existing unstable fill, and mass hillside grading.

The comment also questions whether the DEIR provides a "worst-case scenario" of GHG impacts because construction emissions are not analyzed. As discussed in the above response to comment 17-49, the DEIR does not speculate on the unknown nature of future implementing development project's construction activities or schedules based on land use alone. The DEIR instead provides a qualitative discussion based on expert opinion that construction emissions are anticipated to be approximately 5 percent or less of total GHG emissions. Further, the DEIR makes the reasonable assumption that a worst-case scenario was analyzed because the analysis did not discount emissions associated with ambient traffic growth, which would occur regardless without the Project; and, as shown in Table 5.6-3, Mobile Emissions constitute the bulk of impacts for the Project. However, in order response to this comment, the first full paragraph on page 5.6-14 of the DEIR has been revised as follows:

> As shown above in Table 5.6-3, the Project would exceed the target efficiency metric by 9.3 Mton CO2e/SP in the year 2022 and by 11.5 Mton CO2e/SP in the year 2040. It should be noted; this analysis represents a ~~worst-case scenario~~ conservative analysis, as it does not discount the increased GHG emissions that would result from ambient traffic growth and future development that could occur without the proposed Project under the existing approved specific plan. Based on this conservative analysis, the proposed Project would result in significant unavoidable increased GHG emissions from future operations and construction. Compliance with the ELSPA

No. 11 Section 9 Sustainability Plan as well as implementation of mitigation measures MM AQ-1 and MM AQ-3 through MM AQ-5, listed in Section 5.2.9, and MM GHG-1 would be required for future implementing development projects to reduce such GHG impacts generated during construction and operations; however, it cannot be guaranteed at this time that such measures would reduce impacts to less than significant.

17-51. The commenter opines that the DEIR's approach to GHG analysis of construction-related impacts is inconsistent with the DEIR's approach to the Air Quality analysis of construction-related impacts. Although the GHG section of the DEIR (Section 5.6) did not specifically list the land use assumptions listed in the Air Quality section (Section 5.2), the existing baseline development and proposed land use assumptions are consistent for both the Air Quality and GHG analyses. GHG construction impacts are qualitatively discussed on page 5.6-14 of the DEIR. The qualitative discussions take the form that are most appropriate to each topic area, as air quality construction impacts are assessed based on daily emission levels and the distance between source and receiver, whereas GHG construction impacts are amortized over the life of the project and are not localized. See the above responses to comments 17-49 and 17-50.

17-52. The commenter posits that the DEIR does not demonstrate that the Project is consistent with SB 32 or AB 32. SB 32 requires the State to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. AB 32 directs the State to reduce California GHG emissions to 1990 levels by 2020. Both instruct State agencies, including CARB, to establish a program of regulatory and market mechanisms to achieve GHG reductions and to implement a mandatory GHG reporting and verification program but do not identify project-level measures. Nonetheless, certain elements of the proposed Project serve to forward State goals by providing for improved connectivity within the ELSPA No. 11 site and nearby destinations and by incorporating gathering places, strong pedestrian connections, and linkages to surrounding city-wide trails and open space (see Project Objectives).

The proposed Project would comply with existing regulations, which would, by law, comply with future regulatory requirements and would be consistent with the City's CAP, which was developed to be consistent with AB 32. In addition, mitigation measure GHG-1 requires future implementing development projects to accelerate the City's CAP requirements with elevated efficiency standards. The proposed Project would therefore not preclude the State's compliance with SB 32 or AB 32.

The comment also opines that the DEIR "does not adequately explain why greater emissions reductions are not required for the Project, given that designing new buildings and infrastructure for maximum energy efficiency and renewable energy use is easier than achieving the same savings from older structures." The Project requires emission reductions specific to new developments. The Project incorporates all applicable elements of the City CAP as project elements. Furthermore, mitigation measure MM GHG-1 accelerates several City CAP measures beyond CAP requirements. Specifically, MM GHG-1 accelerates CAP Measure E-1.3 by requiring development projects to achieve 15 percent energy efficiency above Title 24 after 2018, two years earlier than what is required by the CAP measure, and further accelerates the measure by requiring 25 percent energy efficiency above Title 24 after 2020.

Also, MM GHG-1 accelerates CAP Measure E-4.2 by requiring development projects to reduce water consumption by 30 percent after 2020, two years earlier than what is required by the CAP measure, and further accelerates the measure by requiring a 35 percent reduction after 2020. Notably, City CAP measures exceed Title 24 requirements and the Project's mitigation measures exceed the City CAP measures.

The following revision is made to the third paragraph on page 5.6-10 of the DEIR for clarification:

> The efficiency evaluation consists of comparing the ~~p~~Project's efficiency metric to efficiency targets. Efficiency targets represent the maximum quantity of emissions each resident and employee in the State of California could emit in various years based on emission levels necessary to achieve the statewide GHG emissions reduction goals. A project which results in a lower rate of emissions would be more efficient than a project with a higher rate of emissions, based on the same service population. The metric considers GHG reduction measures integrated into a project's design and operation (or through mitigation). The Project incorporates all applicable elements of the City CAP as Project elements. Since adoption of the CAP, the City has achieved many of the CAP measures and has incorporated many into its ordinances and conditions of approval (DEIR Appendix E, Table 9). However, several CAP measures stipulate future compliance dates that have yet to be achieved. In particular, CAP measures E-1.3 and E-4.2 offer opportunity for mitigation. This EIR quantifies the following CAP measures as part of the proposed Project's design:
>
> - CAP Measure E-1.3, Energy Efficient Building Standards requires all development projects, after 2020, to achieve 15% energy efficiency above Title 24.
> - CAP Measure E-4.2, Indoor Water Conservation Requirements requires all development projects, after 2020, to reduce indoor water consumption by 30%.

The following revision is made to Section 5.6.9 of the DEIR for clarification:

5.6.9 Impacts and Mitigation Measures

Impact GHG-1 *The Project would allow for new development at the Project site, ultimately resulting in a future operational phase that may exceed the GHG target efficiency metric by approximately 9.3 Mton CO2e/SP in the year 2022 and by 11.5 Mton CO2e/SP in the year 2040. Future construction would also increase GHG emissions by an additional approximately 5% of the total estimated operational phase emissions, which may contribute to an exceedance of the target efficiency metric.*

MM GHG-1 Prior to issuance of a building permit for new implementing development projects within the East Lake Specific Plan, the applicant shall be required to demonstrate compliance with the ~~City of Lake Elsinore's 2011 Climate Action Plan measures as follows~~ following:

1. ~~CAP Measure E-1.3, Energy Efficient Building Standards requires all development projects, after 2020, to achieve 15% energy efficiency above Title 24. Exceedance shall a~~Achieve 15% energy efficiency above 2016 Title 24, Part 6 for projects after 2018 and 25% energy efficiency above 2016 Title 24 for projects after 2020.
2. ~~CAP Measure E-4.2, Indoor Water Conservation Requirements requires all development projects, after 2020, to reduce indoor water consumption by 30%. Exceedance shall r~~Reduce indoor water consumption by 30% for projects after 2018 and 35% for projects after 2020 above baseline identified in 2016 Title 24, Part 11.

Mitigation measure MM GHG-1 accelerates compliance with CAP Measures E-1.3 and E-4.2 and exceeds the reduction goals stipulated in these CAP measures. Benefits associated with MM GHG-1 are not quantified in the analysis because evaluation of specific mitigation measures would be speculative at the programmatic level. Mitigation measures and impacts following mitigation should be evaluated once project-specific construction information is available.

In addition, implementation of required mitigation measures **MM AQ-1,** and **MM AQ-3** through **MM AQ-5** listed in Section 5.2.9 would reduce GHG emissions during future construction and operations at the Project site as a co-benefit to these measure's intended air quality emission reductions.

The comment also states that "contrary to the Draft EIR's suggestion that the City lacks jurisdiction to address these issues," *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204 ("Newhall") held that "local governments bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions." The DEIR does not claim that the City lacks jurisdiction or responsibility for analysis of the Project's GHG emissions.

17-53. The comment states that feasible mitigation must be required and that "mitigation measure MM GHG-1 is untenably vague because it does not specify whether it is referring to (1) Title 24 Building Standards in effect when the City's CAP was approved in 2011, (2) Title 24 Building Standards currently in effect, or (3) Title 24 Building Standards that will be in effect in the future when development occurs." Please see above response to comment 17-52, which clarifies the applicable version of Title 24.

17-54. The comment states that the MM GHG-1 requirement that development projects, after 2020, reduce indoor water consumption by 30 percent is a water-conservation and not a GHG reduction measure. Indoor water use is linked to water purveying, which results in indirect GHG emissions due to the use of electricity associated with pumping, treating and conveying. CalEEMod calculations show that water purveying would generate approximately 3 percent of total operational GHG emissions. A reduction in water consumption, per MM GHG-1, would result in corresponding indirect GHG emission reductions.

The comment also states that MM GHG-1 does not state what baseline developers will use to "reduce" water consumption by 30 percent. Please see above response to comment 17-52.

17-55. The comment reiterates it position that mitigation measures MM AQ-1, and MM AQ-3 through MM AQ-5 are either vague, unenforceable or restatements of current law. Please see above responses to comments 17-13, 17-15, 17-16, and 17-17.

17-56. The comment states that the DEIR should include mitigation to reduce energy demands and increase renewable energy onsite, suggesting use of CAPCOA's recommended mitigation measures. Please see above response to comment 17-19 and below response to comment 17-58.

17-57. The comment suggests that the DEIR consider mitigation that increases energy efficiency including incorporation of "green building." Section 9 Sustainability Plan of the ELSPA No. 11 includes opportunities to increase sustainability and minimize greenhouse gas emissions and reduce water and energy consumption, as well as decrease the impacts of construction activities and waste generation. Energy and green building standards are specifically addressed in DEIR Section 5.16, ELSPA No. 11 Section 9.1.2.2 Energy, and Section 9.1.3 California Green Building Code. In addition, DEIR mitigation measure GHG-1 requires future implementing development projects within the ELSP to exceed the City's CAP requirements and Title 24 requirements to reduce GHG emissions through increased energy efficiency standards.

17-58. The comment provides a list of potential mitigation measures for reducing the Project's energy consumption. Equivalent measures are included in ELSPA No. 11 Section 9 Sustainability Plan. Because this is a programmatic level document, future implementing development projects will be required to incorporate these measures and demonstrate on a project-specific level that they have reduced their energy needs above current energy efficiency standards through compliance with Mitigation Measure GHG-1. No further response or action is required.

17-59. The comment requests on-site renewable energy (mainly solar) be used to meet at least 75 percent of the Project's energy use. Provisions for meeting energy efficiency requirements through potential use of photovoltaic systems and/or solar water heating are included in DEIR Section 5.16 and ELSPA No. 11 Section 9.1.2.2. Future implementing development projects may utilize solar to demonstrate on a project-specific level that they have reduced their energy needs above current energy efficiency standards as required by Mitigation Measure GHG-1. Senate Bill No. 350, signed by Governor Brown on October 7, 2015, established a target of generating 50 percent of total retail sales of electricity in California from eligible renewable energy resources by December 31, 2030. Therefore, in response to this comment, Section 2.4.1 (Specific Plan Development Requirements) of the proposed Project (ELSPA 11) is amended by adding a new subparagraph f to Development Requirement 27 as follows:

> f. <u>All new multi-family residential, commercial and industrial development shall include solar photovoltaic systems that meet at least 50 percent of the development's projected energy use.</u>

17-60. The commenter posits that the DEIR does not adequately analyze the energy conservation mitigation measures set forth in Appendix F of the CEQA Guidelines, including the viability of adding renewable energy systems. As is discussed in the DEIR, Section 5.16 was prepared in accordance with Appendix F of the CEQA Guidelines. CEQA Guidelines Section 15126.4(a)(1)(C) states that "Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant" and applicable to the project. Per the Guidelines, relevant conservation and mitigation measures applicable to this programmatic project are discussed in the DEIR, which determined potential impacts would be less than significant without mitigation. In addition, provisions for meeting energy efficiency requirements through potential use of photovoltaic systems and/or solar water heating are included in DEIR Section 5.16 and ELSPA No. 11 Section 9.1.2.2. Last, the link between mitigation measures MM AQ-3, MM AQ-4, MM AQ-5, MM GHG-1 and energy efficiency is discussed (DEIR page 5.17-7), which would have the co-benefit of further reducing energy consumption in the form of increased building efficiency, reduced water usage and reduced single-occupancy vehicle transportation.

17-61. This comment claims the DEIR does not analyze or mitigate impacts to water quality and requests a study or analysis of the conditions of permanent and ephemeral water bodies; impacts of foreseeable development on water quality, people, fish and wildlife; and an analysis of water quality mitigation. The DEIR Section 5.8.5 provides an analysis of potential impacts on water quality from a programmatic land use implementation perspective, which is appropriate for this proposed specific plan amendment Project. The analysis includes potential impacts on permanent and ephemeral waters including Lake Elsinore and surface waters in the Project vicinity and downstream; water quality, people, fish and wildlife associated with applicable Beneficial Uses listed and defined in Table 5.8-1; and water quality mitigation measures MM HWQ-1 through MM HQW-5 detailed in Section 5.8.8. A Project-specific Water Quality Management Plan (WQMP) or other development-specific study is not possible at the programmatic level because site-specific details about future implementing development projects are currently unknown. For example, information about the precise designs and locations of development footprints, amount of proposed impermeable surface areas, incorporation of onsite water quality BMP facilities, nature of operations and other site-specific characteristics needed as a prerequisite to determine runoff flow rates and appropriate pollutant treatment requirements is unknown. Thus, the DEIR does not speculate on this level of detail. Future implementing development projects will require additional environmental review, site-specific evaluations, and must demonstrate compliance with quality standards through WQMP, LID, NPDES, Section 401, 404 and 1602 requirements. No further response or action is required.

17-62. The comment states that the DEIR does not include adequate baseline information because it does not list 303(d) impairments of impacted water bodies. The DEIR did include this information in Section 5.8.3, Regulatory Context, Clean Water Act (CWA) Section 303(d) on page 5.8-17. Additional information related to Section 303(d) impairments has been inserted as paragraph between the first and second paragraphs under the "Water Quality" heading in the Environmental Setting on page 5.8-5 as follows:

The Federal Clean Water Act (CWA) requires that a list (Section 303(d) list) of water quality limited segments be developed to identify those water bodies that do not meet water quality standards even after point sources of pollution have installed the minimum required levels of pollution control technology. The Lake, which includes the San Jacinto River inlet channel, was identified on the list as impaired for the following pollutants:

- Nutrients – Unknown Nonpoint Source;
- Organic Enrichment/Low Dissolved Oxygen – Unknown Nonpoint Source;
- PCBs (Polychlorinated biphenyls) – Source Unknown;
- Sediment Toxicity – Source Unknown; and
- Unknown Toxicity – Source Unknown.

The City of Lake Elsinore lists the following potential sources of these pollutants:

- discharges from wastewater treatment facilities;
- runoff from homes, forested lands, agriculture, and streets or highways;
- contaminated soils/sediments, legacy contaminants such as DDT and PCBs;
- on-site septic systems; and
- deposits from the air.

No change in analysis, impacts or mitigation has occurred and no further response or action is required.

17-63. The commenter posits that impacts on water quality and biological resources from residential use of pesticides and chemicals are not analyzed. Potential impacts on water quality, smaller watercourses, and biological resources resulting from common urban pollutants such as pesticides and chemicals are appropriately analyzed on a programmatic level. Please see above response to comment 17-61.

17-64. This comment is that the DEIR analysis on groundwater impacts is inconsistent because it discloses that future development at the site would increase impervious surface areas but has determined impacts would be less than significant. The rationale for this determination was provided on page 5.8-28 of the DEIR as follows: "The area of the project site is not particularly suited for groundwater recharge due to the presence of a semipermeable clay layer at depth. ***Consequently, the potential loss of infiltration and recharge or supply from the increase in impervious surface area would be less than significant***." No further response or action is required.

The comment also requests an analysis on water flow and water quality in surface water bodies from groundwater pumping. Any potential discharge to surface waters (including discharge of pumped groundwater) would be regulated through compliance with applicable project-specific WQMP, LID, NPDES, Section 401, 404 and 1602 requirements (see above response to comment 17-61).

However, it is recognized that there is an internal inconsistency within the paragraph on page 5.8-27 of the DEIR titled "Groundwater Recharge and Supply", and therefore this paragraph is amended as follows:

Groundwater Recharge and Supply

~~Per Section 6.2 of the ELSPA No. 11, untreated water from the Lake could be used for sports track and field watering, irrigation of the golf course, parks, streetscapes and other landscaped areas. This concept effectively conserves fresh water supplies for domestic use while serving to replenish the groundwater supply.~~ As discussed in Section 5.15 (Utilities) of this DEIR, local groundwater pumped from Elsinore Valley Municipal Water District's twelve District-owned wells accounted for approximately 33 percent of the District's water supply from 1992 to 2015. (page 5.15-5). Additionally, "[a]lthough the groundwater wells have a total capacity of 20,808 acre-ft/yr, a safe yield from the Elsinore Basin is 5,500 acre-ft/yr, and therefore the projected groundwater volume from the Elsinore Basin will remain at 5,500 acre-ft/yr."

Future development within the Project site would increase the amount of impervious pavement and building surfaces. At the same time, groundwater infiltration at the site would be reduced. The area of the project site is not particularly suited for groundwater recharge due to the presence of a semipermeable clay layer at depth. Consequently, the potential loss of infiltration and recharge or supply from the increase in impervious surface area would be less than significant.

17-65. The commenter claims that the DEIR violates CEQA because the water quality analysis is not quantified or based on development-specific studies or models. Again, the DEIR Section 5.8.5 provides a sufficient degree of analysis of the reasonably feasible potential impacts on water quality from a programmatic land use implementation perspective, which is appropriate for this proposed specific plan amendment Project. The analysis "need not be exhaustive" (CEQA Guidelines § 15151.) Please see above response to comment 17-61.

17-66. The comment states that the DEIR does not analyze or mitigate impacts on flood hazards. Flood hazards were analyzed in DEIR Section 5.8.5 under Thresholds D and H, beginning on DEIR page 5.8-27, and under Thresholds I and J, beginning on DEIR page 5.8-29. The analysis determined compliance with local and federal, including FEMA, building regulations and mitigation measures MM HWQ-6 through MM HWQ-8 would reduce any potential flood hazards to less than significant.

The comment also states the DEIR is unclear whether the Project is proposing development within the 100-year floodplain inconsistent with existing policies. On page 5.8-27, the DEIR states that most of the site, with the exception of the Summerly and Serenity development, is within the 100-year floodplain and would be subject to a potential 100-year flood event based on current site elevations. [Emphasis Added] The DEIR also clearly states that General Plan policies require new future implementing development projects to be constructed above the 100-year base flood elevation, in conformance with all applicable provisions of the National Flood Insurance Program (page 5-8-28). The discussion of the

Lake Management Project and Flood Storage Requirements on page 5.8-28 of the DEIR describes that development proposing habitable structures can occur through the "use of fill material to raise the development pad to an elevation above the projected 100-year inundation level (an elevation of approximately 1,263.3 feet) along with meeting certain freeboard requirements."

In order to clarify the discussion of Flooding and Flood Flows on pages 5.8-27 and 5.8-28 of the DEIR, that section is hereby revised to read as follows:

Flooding and Flood Flows

Most of the Project site, with the exception of existing residential developments at Summerly (proposed PA 1) and Serenity (proposed PA 4), is located within the 100-year floodplain and would be subject to a potential 100-year flood event[1] based on current site elevations (Figures 5.8-1 Lake Management Features and 5.8-2 Hydrologic Resources). Future development within the 100-year floodplain could ~~pose~~ be subject to potentially significant on-site flooding impacts as an indirect result from Project implementation; however, the following General Plan policies would avoid exposing people or property to flooding: Flooding and Floodplains Policies 5.1–5.2. These policies require that new ~~future implementing development projects to be constructed above the 100-year base flood elevation, in conformance~~ construction conforms ~~with~~ to all applicable provisions of the National Flood Insurance Program in order to protect buildings and property from flooding and that the City utilize the Capital Improvement Program for storm drainage projects and maintenance and improvement of local storm drain systems including channels, pipes, and inlets to ensure capacity for maximum runoff flows. Flooding hazards are required to be evaluated during the environmental review process, including restricting development within designated floodplain areas in accordance with FEMA floodplain zoning recommendations and requirements. Future development would be subject to floodplain policies as well as local and federal regulations. Nonetheless, future implementing development projects would potentially result in significant alteration of the drainage patterns by altering or extending grading within the Project site in order to raise building pads for inhabitable structures above the projected 100-year inundation level. Any development that does not include habitable structures within the 100-year floodplain would be subject to potentially significant flooding impacts. Therefore, mitigation measures MM HWQ-6 through MM HWQ-8 would be required of all future development to ensure potential flood hazard impacts are less than significant.

17-67. The comment states that the DEIR discloses the Project site is identified as being within a "high inundation zone" but that the DEIR does not explain whether additional water flowing through the Railroad Canyon Dam area could cause additional flooding if the dam where to fail and release 12,000 acre feet of water during an extreme precipitation event. On page 5.3-29, the DEIR states, "The available storage… is approximately 95,000 acre-feet, which is more than sufficient to accommodate the 12,000 acre-feet stored in Railroad Canyon Dam should a failure occur." If the dam were to fail, this would leave

an additional 83,000 acre feet of capacity to handle additional water generated during an extreme precipitation event. No further response or action is required.

The comment also says that "the Draft EIR does not consider whether the Railroad Canyon Dam is in good repair"; and the commenter's position that "the Draft EIR's conclusion that failure of the dam is an 'extremely unlikely event' is not based on substantial evidence." According to the U.S. Army Corps of Engineer's National Inventory of Dams, the report on the Railroad Canyon Dam indicates the dam was last inspected on November 19, 2014, and it currently has no Emergency Action Plan. According to the National Inventory of Dams web site "From August 2015 to January 2016, information was collected from the states and federal agencies that regulate dams in the United States." The California agency that regulates dams is the California Department of Water Resource's Division of Safety of Dams. On page 75 of 101 of The Division of Safety of Dams' September 2017 publication titled "Dams Within Jurisdiction of the State of California" (http://www.water.ca.gov/damsafety/damlisting/index.cfm, accessed on September 6, 2017) the condition assessment of the Railroad Canyon Dam (National Inventory of Dams Identification Number CA00765) is "Satisfactory," with no reservoir restrictions. On Page ii of the Data Definitions in that publication, the "Satisfactory" rating is defined according to the National Inventory of Dams Definitions as meaning that there are "No existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria or tolerable risk guidelines." The following paragraph is hereby added after the first paragraph on page 5.8-33 of the DEIR to amplify the discussion:

> <u>According to the U.S. Army Corps of Engineer's National Inventory of Dams, the report on the Railroad Canyon Dam indicates the dam was last inspected on November 19, 2014, and it currently has no Emergency Action Plan. The California agency that regulates dams is the California Department of Water Resource's Division of Safety of Dams. According to the Division of Safety of Dams, the condition assessment of the Railroad Canyon Dam is "satisfactory;" which means that no existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria or tolerable risk guidelines.</u>

Additionally, U.S. Army Corps of Engineer's National Inventory of Dams and the Division and the Division of Safety of Dams' publication titled "Dams Within Jurisdiction of the State of California" will be added to Section 9.0 of the DEIR (Bibliography).

17-68. The comment claims that the DEIR lacks detail on whether the USACE Lake Management 404 Permit (No. 88-00215-RRS) applies to all development under the Project, or whether compliance with the permit is a condition of project activities. DEIR Section 5.8.3 Regulatory Context (page 5.8-16) clearly explains that this permit applies to all development projects within the Back Basin of the Lake at elevations of 1,260 feet or below; and that such projects must demonstrate that they do not adversely impact flood storage capacity.

The comment also states that the DEIR does not define what constitutes an "adverse" impact on flood storage, rendering the mitigation vague and unenforceable. As identified under *Impact HWQ-2* (DEIR p. 5.8-29), an adverse impact would occur if a future implementing development project would alter flood storage volume capacity required under the USACE Lake Management 404 Permit (No. 88-00215-RRS). It is estimated that the total water storage volume of the Back Basin and the Lake is 150,000 acre-feet (DEIR page 5.8-28). Mitigation measures MM HWQ-6 through MM HWQ-8 provide enforceable mitigation measures on a programmatic level appropriate to this specific plan amendment Project.

No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-69. This claims that the DEIR defers project-level analysis and mitigation; and fails to provide substantial evidence that impacts on flood hazards would be less than significant. DEIR Section 5.8 provides an analysis of the reasonably feasible potential impacts on flood hazards from a programmatic land use implementation perspective, which is appropriate for this proposed specific plan amendment Project. The City has not speculated on the design or operations of future implementing development projects which may be constructed over the life of the specific plan. CEQA does not require analysis if a particular impact is too speculative. (CEQA Guidelines §15145). Furthermore, future implementing development projects in the ELSP would require additional environmental review and documentation prior to approval, as outlined in Section 10.7.2 of ELSPA No. 11.

17-70. The comment states, "the Draft EIR cannot rely upon existing laws and regulations and assume that impacts [on water quality] will be less than significant," including potential erosion and siltation impacts, because "the region already suffers from 'poor' water quality despite existing laws and regulations." DEIR page 5.8-14 discloses that there are multiple factors contributing to poor water quality in the Project vicinity's watershed, including those associated with inadequate subsurface sewage disposal, waste disposal management of the Santa Ana River watershed, agricultural runoff, sediment from construction-related erosion, and urban stormwater runoff. Laws and regulations under the jurisdiction of various regulatory agencies including the California Regional Water Quality Control Board are programmatically updated to address existing water quality issues and include guidance and requirements for future development to meet water quality goals. For example, the Santa Ana Regional Water Quality Control Board issued the current MS4 NPDES Permit Order No. R8-2010-0033, NPDES NO. CA 618033 on July 1, 2010, which outlines the regulations and programs that the City must implement to control pollution (DEIR 5.8-16). Future implementing development projects implemented under the proposed Project would be required to provide a site-specific stormwater pollution prevention plan (SWPPP), Water Quality Management Plan (WQMP) and meet Low Impact Development (LID) requirements to demonstrate compliance with this (or the most current) permit during construction and operations. In other words, compliance with laws and regulations current at the time of future project implementation would ensure project-specific measures are also implemented based on proposed construction activities, development footprints and operations. Furthermore, future implementing development projects in the ELSP would require additional environmental review to verify these findings prior to approval, as outlined in Section 10.7.2 of ELSPA No. 11.

17-71. The comment states the DEIR does not provide evidence that potential water quality impacts would be reduced to less than significant through compliance with existing laws and regulations and mitigation measures MM HWQ-1 through MM HWQ-5. The rationale for this determination is provided on DEIR pages 5.8-21 through 5.8-24. Please see above responses to Comments 17-61 and 17-70 for additional discussion. No further response or action is required.

17-72. The comment states the DEIR does not provide evidence that potential urban runoff impacts would be reduced by local drainage systems. The rationale for this determination is provided on DEIR page 5.8-24. Please see above responses to Comments 17-61 and 17-70 for additional discussion. No further response or action is required.

17-73. The comment states that impacts on water quality and biological resources from commercial use of pesticides and chemicals are not analyzed. Potential impacts on water quality, smaller watercourses, and biological resources resulting from common urban pollutants such as pesticides and chemicals are appropriately analyzed on a programmatic level. Inasmuch as the future potential use of hazardous substances, including specific chemical or pesticide use, cannot be quantified without knowing the specifics regarding individual development projects, such an analysis would be speculative and cannot be accurately made as part of this DEIR (See CEQA Guidelines Section 15145). Please see above responses to Comments 17-61 and 17-70 for additional discussion. No further response or action is required.

17-74. This comment states, "The Draft EIR claims that Best Management Practices ('BMPs') for various substances will ensure that impacts are mitigated to less than significant levels" is taken out of context from the full description provided on DEIR pages 5.8-35 and 5.38-36 as follows: "Additional project-level assessment conducted for future implementing development projects would be required to address goals and policies of the General Plan relating to hydrology and water quality, as well as related biological resources policies. Compliance with USACE, EPA, RWQCB, and City regulations as well as implementation of BMPs would improve water quality and control potential flooding and erosion caused by future construction and development." Treatment Control BMPs listed in Table 3 of the Riverside County Stormwater Quality Best Management Practice Design Handbook, cited by the commenter, lists various BMP methods for pollutant control that have varying levels of efficiency: "L: Low removal efficiency;" "H/M: High or medium removal efficiency"; and "U: Unknown removal efficiency". An appropriate combination of these BMP methods would be selected based on future implementing development project-specific actions and needs. No further response or action is required.

17-75. The comment states, "none of these BMPs are described in the Draft EIR." The DEIR discusses programmatically how BMPs would be required to reduce the potential construction-related and operational-related water quality impacts of future implementing development projects. To amplify this discussion, the first complete paragraph on page 5.8-23 of the DEIR has been amended as follows, to add examples of construction and operational BMPs:

Per the General Plan, Water Resources Policies 4.1, and 4.2 require development projects to obtain an NPDES permit and implement BMPs to reduce the amount of pollutants being discharged into the drainage system and Biological Resources Policies 1.1 through 1.4 call for implementation of the MSHCP to preserve wetlands and natural drainages. In addition, project level assessment must be prepared for any future development for hydrology or groundwater and surface water quality impacts to ensure runoff is adequately retained and treated for pollutants prior to release into the storm water system. Future implementing development projects under the proposed Project would be required to implement an appropriate combination of BMP methods from those listed below based on proposed actions and requirements as described in their project-specific SWPPP and WQMP.

Construction BMPs

- Erosion control – e.g. scheduling work activities; preservation of vegetation; stabilization paths by applying erosion control blankets, check dams, erosion control seeding or alternate methods;
- Sediment Control – e.g. silt fencing, fiber rolls, street sweeping/vacuuming, sand bag barriers, storm drain inlet protection;
- Tracking Control – e.g. street sweeping and vacuuming, stabilized construction entrance;
- Wind Erosion – e.g. high wind work restrictions, watering, soil stabilizers, covers; and/or
- Waste management and materials pollution – e.g. waste management, material management, stockpiles, vehicle storage and maintenance.

Operational BMPs

- Biofilters – e.g. grass swales, grass strips, wetland vegetation swales, and bioretention;
- Detention Basins – e.g. extended/dry detention basins with grass lining and extended/dry detention basins with impervious lining;
- Infiltration BMPs – e.g. infiltration basins, infiltration trenches, and porous pavements;
- Wet Ponds or Wetlands – e.g. permanent pool wet ponds and constructed wetlands;
- Filtration Systems – e.g. sand filters and media filters;
- Water Quality Inlets – e.g. hydrodynamic devices, baffle boxes, swirl concentrators, or cyclone separators;
- Hydrodynamic Separator Systems – e.g. hydrodynamic devices, baffle boxes, swirl concentrators, or cyclone separators; and/or
- Manufactured or Proprietary Devices – e.g. proprietary stormwater treatment devices as listed in the CASQA Stormwater Best Management Practices Handbooks, other stormwater treatment BMPs not specifically listed in this WQMP, or newly developed/emerging storm water treatment technologies.

No further response or action is required.

17-76. The comment states, "[t]he Draft EIR does not appear to identify the geographic scope of the traffic analysis;" does not explain why the selected freeway exits were studied and others were not; and does not confirm if agencies with transportation facilities within 10 miles of the site were consulted. The Traffic Impact Analysis Report" (TIA) pages 2 and 3 explain that 23 existing key study intersections, 7 future internal intersections, 26 existing roadway segments, and 6 future internal roadway segments were selected in consultation with City staff. The key intersections were selected for evaluation because they provide local and regional access to the study area, and the key segments were selected based on the arterial network within the study area. Appendix A of the TIA, Approved Traffic Impact Study Scope of Work, was independently peer-reviewed by Webb and Associates prior to City approval of the Study area. No further response or action is required.

The following transportation-interested agencies having jurisdiction within 10 miles of the Project were notified during the Notice of Preparation (NOP) period: Caltrans District 8, Federal Highway Administration, County Transportation Department, County of Riverside Transportation and Land Management Agency, Riverside County Transportation Commission, Southern California Association of Governments (SCAG), and local cities: Murrieta, Corona, Canyon Lake, Perris, Wildomar, Menifee, Temecula. Only two transportation-related comment letters were received on the NOP, one from SCAG requesting a copy of the DEIR and one from County of Riverside Transportation and Land Management Agency requesting analysis of impacts on County road facilities. LLG selected likely impacted facilities serving the Project, including County and Caltrans facilities for the TIA. Only one comment letter was received on the DEIR from Riverside Transportation and Land Management Agency requesting a mitigation measure that future implementing development projects pay their fair-share to improve impacted facilities. This measure is already covered under DEIR mitigation measure MM TC-2. No comments were received on the adequacy nor inadequacy of the facilities selected for study from these agencies.

17-77. The comment claims that Table 5.14-11 "does not clearly identify the impacts of the Project and should be revised." Column 4 of the table clearly indicates whether a significant impact on an analyzed intersection would occur due to programmatic implementation of the proposed Project. Column 5 provides information on anticipated LOS should the recommended improvements included in the TIA and summarized under mitigation measure MM TC-2 be constructed as future implementing development projects under the specific plan to provide either a fair-share contribution and/or direct improvements to these facilities based on future assessment of their project-specific impacts.

The comment also requests clarification on the DEIR footnote that states, "[v]olumes have been rerouted due to the recommended improvement at the intersection of Diamond Drive at Campbell Street during the Saturday Midday peak hour." This footnote does not mean that traffic will be "rerouted" through direct action by an agency (e.g. barriers, traffic control). It is intended to disclose that the traffic model accounts for how implementation of the recommended improvements would influence the distribution of traffic volumes by providing new and/or improved facilities throughout the study area; thereby resulting in traffic taking different routes to its destinations.

The comment also requests clarification on whether the LOS presented in column 5 would remain the same after implementation of the recommended improvements under MM TC-2. Yes, LOS shown in column 5 would remain with the recommended improvements. No further response or action is required.

17-78. The comment states, "[t]he Draft EIR needs to specify what these recommended improvements are and provide evidence that they would actually result in the Project achieving acceptable LOS." The recommended improvements are summarized under mitigation measure MM TC-2 and fully described in the TIA (DEIR Appendix K). In addition, please see DEIR page 5.14-95 through 5.14-96 for a summary of the traffic impact conclusions.

The comment also states, "the Draft EIR is confusing because while it claims that 'recommended improvements' would render LOS at acceptable levels, Table 5.14-12 states that certain intersections will have an 'adverse condition.' (*See, e.g.,* Draft EIR at 5.14-45.)". This statement is inaccurate; the DIER does not state that all intersections would have an acceptable LOS with implementation of the recommended improvements. The DEIR distinguishes between those intersections that would have acceptable LOS and those that would remain adverse, even with the recommended improvements.

17-79. The comment states, "[o]n the one hand, the Draft EIR claims that LOS will achieve the unacceptable LOS F, but then – on the other hand – claims that under "peak hours," they would operate at acceptable LOS. (Draft EIR at 5.14-64.)." This statement is inaccurate; Table 5.14-15 discloses that based on 24-hour traffic volumes and the capacity under the Volume to Capacity (V/C) Ratio analysis LOS at roadway segments 1, 22 and 23 would operate at LOS F/F (weekday/Saturday), F/F (weekday/Saturday) and F/E (weekday/Saturday), respectively. However, the significance determination was made based on LOS during the peak-hour travel demand (not 24-hour periods), which represents the time of day concentrated traffic volumes loading the system would be at the worst levels rather than totaled over a 24-hour period. Table 5.14-16 shows that street segments 1, 22 and 23 would operate at LOS A for all peak-hour travel except for Intersection 1 during Saturday Midday at LOS C and Intersection 23 during Saturday Midday at LOS B. Therefore, impacts are considered less than significant.

17-80. The comment states "the Draft EIR should disclose why the [TIA] analysis was revised, including any differences between the reports" and "include the original report as an appendix." The report was revised per internal City review and third-party consultant review performed by Webb and Associates prior to finalization for the DEIR and public distribution. The report was revised for accuracy, clarity, refined mitigation measures and typographical errors. Significance findings and determinations made in the TIA did not differ between reports. The revised report also includes the addition of Figures 4-1 through 4-4 depicting traffic volumes. Adding the internal administrative Draft TIA as an appendix is not appropriate, since that version of the document was not used in the preparation of the DEIR. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-81. The comment states, "[t]he Draft EIR and the Traffic Study need to clarify what version of the Project was utilized in reaching the conclusions in the traffic analysis." The Project was appropriately analyzed on a programmatic land use level per the phasing plan provided in DEIR Section 3.4.3. Table 2-1 of the TIA, which was cited by the commenter, includes a detailed breakdown of the Project by phase. No further response or action is required.

17-82. The comment states it is unclear which Alternative was selected for the Railroad Canyon Road I-15 Interchange project that was considered in the DEIR and TIA analysis. The TIA and DEIR page 5.14-80 clearly states, "[f]ollowing the public review period of the Draft EIR/EIS, and considering public input, the Riverside County Transportation Commission (RCTC) and Caltrans have identified Alternative 2 as the preferred project alternative" for the Railroad Canyon Road I-15 Interchange project. Alternative 4 previously noted on the City's website was an old reference made prior to RCTC's and Caltrans' selection. A September 11, 2017 review of the web page referenced by the commenter in its footnote to this comment shows that the web page now states that "The City has studied and considered several alternatives and has decided to proceed with Alternative 2 in Phase I."

The comment also states that, "[f]unding constraints or feasibility or regulatory issues could delay the interchange project, or even result in it not being built," and therefore, "the Draft EIR cannot base the traffic analysis upon the construction of projects that have not or may not be completed." The Traffic Impact Analysis (TIA) is not based upon "the construction of projects that have not or may not be completed." Rather the TIA, as described in the DEIR and included as Appendix K, consists of an analysis of current traffic levels and projected Project-generated and cumulative traffic, and their impacts upon the current road system and road improvements included in the proposed Project. As standard practice in the preparation of Traffic Impact Analyses, it is appropriate to consider any and all known traffic improvement projects within proximity to the proposed Project. With regards to the proposed Project, this includes the Railroad Canyon Road/I-15 interchange improvements. The DEIR recognizes the potential that the ultimate approval and construction of the Railroad Canyon Road/I-15 interchange project is beyond the sole control of the City of Lake Elsinore and therefore concludes that:

> In addition, the Project cannot guarantee the timing and construction of improvements required under **MM TC-2**, some of which are regional and would be determined by the City of Lake Elsinore, other cities in western Riverside County, the County of Riverside and the Riverside County Transportation Commission, and Caltrans based upon need and the availability of funding. Thus, it is possible that the required improvements would not be constructed in time to mitigate the proposed Project's traffic and circulation impacts to less than significant levels. Therefore, the proposed Project would cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. ***Impacts would remain significant and unavoidable.*** (DEIR, page 5.14-111)

No further response or action is required.

17-83. The comment states, "the Draft EIR promises that implementation of "recommended improvements" would reduce impacts, but fails to specify what these improvements are or how they

would actually reduce such impacts. (Draft EIR at 5.14-90.)" This comment is inaccurate; DEIR page 5.14-96 states, "after the implementation of the recommended improvements, the Proposed project would not result in any significant impacts at any of the analyzed locations and therefore the proposed Project does not conflict with the Riverside County Congestion Management Program. However, it is possible that the required improvements would not be constructed in time to mitigate the proposed Project's traffic and circulation impacts to below significant levels." Therefore, Impact TC-3 is identified as significant and unavoidable. The recommended improvements are listed under mitigation measure MM TC-2 beginning on DEIR page 5.14-108 and fully described in the TIA. No further response or action is required.

17-84. The comment opines that "the Draft EIR should require that each project construed [sic] within the Project area (e.g., residential homes, stadium, etc.) conduct an independent traffic analysis based upon the conditions that exist at the time such projects are proposed." The comment further opines that, "implementing portions of the Project should not be permitted to "tier" off the traffic analysis in the DEIR, given that many of the traffic improvements identified in the DEIR either may never be built or may not be built at the time that a specific project is proposed." Mitigation measure MM TC-2 details how future traffic analysis will determine a future implementing development project's fair-share and/or specific improvements. Either a fair-share analysis or project-level traffic study will be required to demonstrate that an individual future implementing development project's specific obligations have been fulfilled. No further response or action is required.

17-85. The comment claims that, "an analysis of mitigation measures and whether all feasible mitigation measures are included in the Draft EIR is missing." A detailed impact analysis and analysis of recommended improvements as potential mitigation for future implementing development projects' project-specific requirements is appropriately provided in the DEIR on a programmatic level. A summary of the traffic impact analysis is provided beginning on DEIR page 5.14-95 and the recommended improvements are detailed under mitigation measure MM TC-2. No further response or action is required.

17-86. The comment states, "[d]espite the impacts of adding thousands of people far from existing employment centers, the Draft EIR does not contain adequate mitigation measures to alleviate traffic impacts." Please see above response to comment 17-85. It should also be noted that the Project would allow for reduced residential development compared to the currently adopted version of the East Lake Specific Plan (through Amendment No. 10) and an increase in Action Sports, Tourism and Recreation uses that would provide a diverse mix of destinations and employment opportunities in the City, which is currently housing-rich. No further response or action is required.

The comment also states, "the Draft EIR does not analyze whether such road construction projects will further impair air quality, lead to growth inducing impacts, harm wildlife or destroy habitat, or impair wildlife connectivity." Key backbone infrastructure described in DEIR Section 3.4.3 and depicted on Figure 3-5 includes the extension of Malaga Road/Sylvester Street, and the construction of Lucerne Street and Cereal Street. These road construction projects were specifically considered in the DEIR

analysis. Details of future implementing development projects' design and specific improvements were adequately analyzed from a programmatic level to avoid speculation. CEQA does not require analysis if a particular impact is too speculative (CEQA Guidelines §15145). No further response or action is required.

17-87. The comment states, "[t]he Draft EIR also does not provide for adequate public transportation." The City has no authority over Riverside Transit Agency (RTA) operations; however, the Project site would continue to be served by RTA's Route 8: Lake Elsinore, Wildomar Loop Route (DEIR page 5.14-98). In addition, dedicated shuttle drop-off point(s) and/or bus stop(s) at new Action Sports, Tourism, Commercial and Recreation facilities with connections to Malaga Drive, Lucerne Street or Cereal Street would be required per mitigation measure MM AQ-5 (see section 5.2.9, Air Quality). This comment also suggests that the DEIR was referring to a "single bus" to meet the needs of the Project. The DEIR does not refer to a "single bus" serving the Project site. The current schedule for RTA Route 8 (https://www.riversidetransit.com/images/stories/DOWNLOADS/ROUTES/008.pdf; accessed September 11, 2017) shows that bus service stops at the Mission Trail & Malaga bus stop generally hourly all day from 5:20 a.m. to 8:20 p.m. on weekdays; with slightly shorter hours on weekends. The Project would not impede or have an adverse impact on RTA's operations, policies, plans, or programs. No further response or action is required.

17-88. The comment also states, "[t]he Draft EIR's analysis of baseline water supply conditions is incomplete and inaccurate" because it did not consider the Elsinore Basin as a DWR-identified "high" priority basin and because it did not consider a 2012 study that showed an average annual overdraft of 1,800 AFY had occurred for 11 years, with a cumulative deficit of 19,000 AF between 1990 and 2000 (http://www.water.ca.gov/groundwater/casgem/pdfs/lists/SRO_BasinName_05262014.pdf). Source information on the Elsinore Basin used for the DEIR and WSA was taken from several documents including the Elsinore Valley Municipal Water District's *2015 Urban Water Management Plan, Final Report* (June 2016), and the 2016 Water System Master Plan (August 2016). (http://www.evmwd.com/about/departments/water_resources/reports_plans_and_studies.asp; verified on September 12, 2017) which represents more current data sources than the one provided by the commenter. Section 6.2.3 Overdraft Conditions of the Urban Water Management Plan (page 6-8) explains, "Bulletin 118 does not identify the Elsinore Basin to be in a state of overdraft. Water levels in the Elsinore Basin and Coldwater Basin were declining due to over-pumping in the late 1990s and early 2000s. However, after the 2005 GWMP [Groundwater Management Plan] and an agreement with Corona, the Elsinore Basin and Coldwater Basin are well managed to limit withdrawals to the safe-yield of the basin." Additionally, the Urban Water Management Plan includes the following information which is also found on page 3-17 of the WSA:

> EVMWD is the largest groundwater producer in the Elsinore Basin accounting for approximately 99 percent of the total production. Groundwater supply from the Elsinore Basin is considered a reliable source of supply due to the long-term natural recharge of the groundwater basin. During a normal year, the well pumps are not operated regularly during winter months when demands are low. However, during dry years, the well pumps can be used to extract groundwater throughout the year increasing total extraction. EVMWD's conjunctive use

> program recharges imported water in the Elsinore Basin during wet years enhancing groundwater supply reliability. Conjunctive use and artificial recharge programs instituted by EVMWD over the past several years and continued implementation of such programs in the future is expected to result in satisfactory management of the Elsinore Basin. (UWMP, page 7-2)

The comment also states, "[t]he Draft EIR and WSA do claim that the "safe yield" of the basin is 5,500 AYF, but provide no analysis or studies to support that conclusion." Again, the 5,500 "safe yield" information is taken from page 6-6 of the 2016 Urban Water Management Plan.

Additionally, the 2016 Water System Master Plan includes the following information which is also found on page 3-1 of the WSA:

> The GWMP also summarizes inflows to the Elsinore Basin, which include infiltration of local precipitation, runoff from the surrounding watershed, infiltration from the San Jacinto River prior to reaching Lake Elsinore, and return flows from irrigation and domestic use. Groundwater inflows are estimated to average 5,500 acre feet per year (acre-ft/yr) based on a 41-year (1961-2001) hydrologic analysis conducted for the GWMP. This natural inflow is roughly equal to the average yield of the basin because there are no natural outflows from the basin. (2016 Water System Master Plan, page 2-8)

17-89. The comment states, "[t]he Draft EIR uses manifestly inaccurate estimates for water availability. For example, the Draft EIR states that due to the drought, the Canyon Lake Water Treatment Plant ("WTP") has treated an average of 2,322 acre feet per year ("AFY"). (Draft EIR at 5.15-9.) Nonetheless, the Draft EIR assumes that the Canyon Lake WTP would treat a 2,500 AFY, which is greater than the current treatment amount. (*Id*.)" This is a misrepresentation of the source information provided by the 2016 Urban Water Management Plan (page 6-34) and the Water Supply Assessment (page 3-11) and presented on DEIR page 5.15-9, which explains, "recent drought has reduced the Canyon Lake WTP to an average treatment of approximately 2,322 acre-ft/yr. It is assumed in the future that the natural runoff to be treated at the Canyon Lake WTP would remain around 2,500 acre-ft/ yr. In 2020, modifications to the Canyon Lake operations will allow for an additional supply of 1,500 acre-ft/yr." No further response or action is required.

17-90. The comment states, "[t]he Draft EIR also states that current 'purchased or imported' water amounts to 15,318 AFY (Table 5.15-1) but that projected purchased or imported water will be 26,282 AFY for the years 2020 through 2040 (Table 5.15-2). Although the Draft EIR does not explain this discrepancy, the WSA (Appendix L) suggests that this water has been available to EVMWD but EVMWD 'has never reached their available capacity from imported water.' (Appx. L at 3-19.) The Draft EIR needs to explain the origin of the 26,282 AFY figure." This source information is provided in the 2016 Urban Water Management Plan. The "discrepancy" between the 15,318 AFY figure and the 26,282 AFY figure stems from the difference between what is currently purchased and what is anticipated to be purchased in the future. In addition, page 7-6 of the Urban Water Management Plan explains, "1) Imported water – EVMWD has never reached their available capacity from imported water. Therefore, a base year of

2000-2015 was evaluated with the available capacity provided to EVMWD from MWD at 26,286 acre-ft/yr."

17-91. The comment states the DEIR does not "adequately disclose existing water supplies [, which] renders its discussion of long-term future water supplies similarly deficient" and that "California law requires agencies to discuss and disclose a proposed project's long-term future water supply." Proper baseline conditions were established and the Project-specific WSA used for the DEIR was prepared in accordance with CEQA. Please see above response to comment 17-88. No further response or action is required.

17-92. The comment states, "[t]he Draft EIR appears to assume that this imported water supply is 100 percent reliable" but that EVMWD could be subject to cutbacks in imported water deliveries during droughts. This interpretation of the information contained in the DEIR is not correct. The analysis contained within the DEIR is based upon analysis contained within the WSA (DEIR Appendix L) which recognizes the potential reduction in the availability of imported water from MWD. The analysis of imported water supply is based on the 2016 Urban Water Management Plan, which analyzes EVMWD's future water supply considering the possibility of multiple dry-year conditions. The Urban Water Management Plan states:

> Per Metropolitan's Urban Water Management Plan (UWMP), Metropolitan indicates that its existing supplies are adequate to meet the projected demands in all hydrologic conditions through 2040 (Metropolitan, 2015). Implementation of planned supplies by Metropolitan increases reliability and maintains an adequate reserve. Based on Metropolitan's 2015 UWMP, it is assumed that imported water is fully reliable during average, dry, and wet years. Therefore, it is assumed that Metropolitan will have sufficient supplies to meet all demands during wet and average years. (UWMP, page 7-1; WSA, page 3-16)
>
> Although Metropolitan has reported that it will be fully reliable until 2040, in order to plan for uncertainties associated with imported water supplies, this report assumes that Metropolitan will extract up to 4,000 acre-ft annually during single dry and multiple dry years from the Groundwater Storage Program. This is approximately 10 percent less than existing imported water supply capacity available to EVMWD. (UWMP, page 7-2; WSA, page 3-16)
>
> Therefore, the biggest constraint in the imported water supply will be the availability of Metropolitan water supply, which is dependent on legal, environmental, and climatic changes. (UWMP, page 7-2; WSA, page 3-17)

Additionally, the WSA (page 3-20) and the UWMP (page 7-7) recognize that during dry years and during multiple-dry year periods that there will be lowered available supply of imported water to EVMWD.

17-93. The comment states, "[t]he Draft EIR's WSA is deficient because it does not identify water supplies for the maximum buildout scenario of 5,651.39 AFY. (Draft EIR at 5.15-16) [sic]. Instead, it only identifies water supplies for up to 5,401.23 AFY." This statement is incorrect. DEIR page 5.15-32, which

references Tables 5.15-5 and 5.15-8 through 5.15-13 (WSA Tables 2-17 and 4-3 through 4-8) explains that EVMWD projects adequate overall surplus water supply to address the approximate 250 acre-feet shortfall of water supply within the Project boundaries under the worst-case scenario (where no reclaimed water is used for the existing golf course and that only 758.92 acres of "Preservation/Mitigation Areas" is set aside instead of the minimum 770 acres required for MSHCP compliance as discussed in DEIR Section 5.3). However, in response to this comment, the discussion in the first paragraph under the "Conclusion" heading on DEIR page 5.15-32 will be revised and amplified for clarity as follows:

> As shown in **~~Error! Reference source not found.~~** Table 2-14 of the WSA, EVMWD included a total water demand for the Project site of 5,401.23 acre-ft/year in EVMWD's service area water demand projections. Table 5.15-5 shows that the potable water demand of the land uses proposed by the proposed Project ranges from 4,601.99 to 5,651.39 acre/ft per year depending upon different build-out scenarios. Tables 5.15-8 through 5.15-13 show that EVMWD projects surplus water supply over demand through 2040, with a surplus range of 5,174 to 7,871 acre-ft/year for total water and 2,902 to 4,514 acre-ft/year for potable water. This surplus is more than sufficient to address the small (approximately 250 acre-ft/year) increase in projected water demand for the Project under the worst-case scenario.

17-94. The comment states, "The Draft EIR assumes that sports and active recreation uses would utilize recycled water. (Draft EIR at 5.15-27.) However, it is unclear whether the Draft EIR requires that such recreation uses rely upon recycled water" and requests "a condition of approval or mitigation measure that mandates such use of recycled water." As a City-initiated Specific Plan Amendment, there will be no Conditions of Approval. Rather, specific requirements have been incorporated into the ELSPA No. 11 document, either as general provisions or as Specific Plan Development Requirements.

In response to this comment, Section 2.4.1 (Specific Plan Development Requirements) of the proposed Project (ELSPA 11) is hereby amended by adding a new subparagraph g to Development Requirement 27 as follows:

> g. A purple pipe system will be constructed as part of the infrastructure for implementing development projects. Reclaimed water when available will be utilized for sports track and field watering, irrigation of the golf course, parks, streetscapes and other landscaped areas.

17-95. The comment provides general information related to cumulative impacts pursuant to CEQA Guidelines. This comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-96. The comment provides general information related to how to analyze cumulative impacts pursuant to CEQA Guidelines. This comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-97. The commenter claims position that the DEIR does not adequately analyze cumulative impacts, with specific reference to the hydrology and water quality analysis and that the DEIR "does not offer a shred of evidence to support the claim that mere regulatory compliance will reduce cumulative impacts to less than significant levels." The commenter states that the DEIR's discussion of the existing environmental setting appears to contradict the claim that compliance with existing regulations would safeguard water quality. However, the referenced discussion of the regulatory context discusses issues associated within the regional area. It does not contain site-specific information regarding the Project area and Lake Elsinore. For example, the issue of agricultural runoff is an issue in the Riverside County region, but not specifically within the Project area since no agricultural operations are currently present within any areas of the Project site, including this parcel (DEIR page 4-1). Potential cumulative impacts for each relevant topic are covered in Sections 5.1 through 5.17 of the DEIR. Please see above responses to comments 17-74 and 17-75 related to the Project's hydrology and water quality analysis, which also relates to the EIR's approach to cumulative impact analysis related to this topic.

17-98. The comment states that the DEIR does not properly define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic area, consistent with CEQA Guidelines Section 15130(b)(3). The geographic area covered for each resource's cumulative impact analysis is generally the same as the area covered by each resource's environmental setting, existing conditions, and thresholds of significance (impact) discussion, except where otherwise indicated in the cumulative impact text of DEIR Section 5.1 through 5.17.

17-99. The comment states that the DEIR fails to meet CEQA's requirement for a rigorous analysis of reasonable alternatives to the Project because the analysis is inadequate and the range of alternatives is too limited.

Level of Analysis: Section 7 of the DEIR provides sufficient information about each of the three alternatives analyzed to allow meaningful evaluation, analysis, and comparison of the alternatives consistent with requirements contained in CEQA Guidelines Section 15126.6(d). Also, major characteristics and significant environmental impacts were described in tables and mapping provided in Section 7 of the DEIR to allow for meaningful public participation and informed decision making on this Project. No further response to this comment is required.

Reasonable Range of Alternatives: Consistent with CEQA Guidelines 15126.6, the DEIR has analyzed a range of reasonable alternatives to the Project that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. As stated in CEQA Guidelines Section 15126.6(a), "[a]n EIR need not consider every conceivable alternative to a project," only "a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." The alternatives selected by the City to be analyzed in the DEIR were guided by the "rule of reason," which requires that the EIR set forth only those alternatives necessary to permit a reasoned choice. Only those alternatives that would achieve most of the Project objectives and which were determined by the City to be feasible were analyzed in the DEIR, and the DEIR did not consider any alternatives whose implementation was determined remote and/or speculative. As

required by CEQA Guidelines Section 15126.6(e), a No Project Alternative was analyzed in Section 7 of the DEIR, and consistent with CEQA Guidelines Section 15126.6(f)(2) the feasibility of alternative locations to the ELSP Project site was discussed in DEIR Section 7.5.1. In addition, DEIR Section 7.5.1 provides a rationale as to why the 'Alternative Site' alternative was rejected from further consideration and analysis.

17-100. The comment states that the DEIR should have discussed the need for the Project and whether the uses that would potentially utilize the Project can be accommodated in existing, previously disturbed infill areas instead of the ELSP site. DEIR Section 7.5.1 provides a rationale as to why the 'Alternative Site' alternative was rejected from further consideration and analysis. Please see above response to comment 17-5 regarding the infill nature of the proposed Project and 17-99 above. No further response to this comment is required.

17-101. The comment states that the DEIR should have included an alternative that provides "significantly more preservation of open space onsite." The Project site consists of a significant amount of privately-owned property. Therefore, an alternative with "significantly more preservation of open space on site" would require the designation of much privately-owned property as "preservation/mitigation" and thereby potentially resulting in a "taking" of private property claim. For this reason, such an alternative is considered to be infeasible and not included in the DEIR. It should be noted that the proposed Project preserves 27.6 percent of the site; Alternative 1 preserves 26.8 percent; and Alternative 2 would provide for preservation of approximately 40 percent of the 2,950-acre site. Please see above response to comment 17-99 above for a discussion on the alternatives analysis. No further response to this comment is required.

17-102. The comment states that the DEIR did not analyze a reasonable range of alternatives, including alternatives such as: increased density with a substantially smaller Project footprint; transportation-oriented design surrounding existing transit nodes or transit corridors within or adjacent to the Project area; a low carbon alternative; conversion of the land into a conservation or mitigation bank; and mixed use development combined with greater preservation and enhancement of existing wildlife habitat. The comment also states that case law requires that alternatives not be excluded from consideration merely because they would impede to some degree the attainment of the Project objectives, or would be costlier. Please see response to comment 17-99 and 17-101 above. No further response to this comment is required.

17-103. The comment states that the DEIR should include quantitative and meaningful comparisons between the Project's impacts and proposed alternatives, and claims that the DEIR's analysis is insufficient. A "quantitative" analysis between alternatives is not required by CEQA and may not be appropriate for specific topics in a programmatic document as discussed above. A meaningful comparison between alternatives was provided in DEIR Table 7-5. Please also see response to comment 17-99 above. No further response to this comment is required.

17-104. The comment states that due to the size and nature of the Project, a more detailed analysis of growth-inducing impacts should have been provided in the DEIR. The Project site is located in the City of

Lake Elsinore within 0.25 mile of the Interstate 15 Freeway and is bound by existing urban and suburban development of the City of Lake Elsinore to the north, City of Wildomar to the southeast and unincorporated County to the southwest. The Project site, which has been subject to an adopted specific plan since 1993, is already partially developed with residential development, an 18-hole golf course, a motocross facility and a private recreational airport (see DEIR Table 7-2 in the Alternatives Analysis for comparison between adopted and proposed development targets). Because the proposed Project is in effect an infill project, the extension of infrastructure consists of bringing the infrastructure into the interior of the Project site from adjacent areas that are already developed. The location of existing infrastructure and surrounding existing and known proposed or approved projects in the area were considered in the analysis and preparation of Section 5.17 (Growth Inducing Impacts) of the DEIR. The evaluation of impacts provided in Section 5.17 is appropriate for the programmatic nature of this Project. No further response or action is required.

17-105. The comment states that the DEIR fails to discuss that the Project will lead to an increase in population and will likely require the construction of new or expanded public facilities, which may have significant impacts on the environment themselves. The DEIR adequately discloses the potential for an increase in population over the baseline condition, and the likely need for new or expanded public facilities to service uses within the ELSP. These topics were previously discussed and disclosed in detail in DEIR Section 5.11 (Population and Housing), Section 5.12 (Public Services), and Section 5.15 (Utilities).

17-106. The comment states that the DEIR attempts to "bootstrap" upon previous versions of the Project, which it claims to be improper. The commenter is incorrect in drawing the conclusion that because the fact that "the current planning and guidance documents have become difficult to follow and implement" (DEIR, page 5.17-2) means that the Project site was not being developed pursuant to existing East Lake Specific Plan documents. However, although the commenter may find the multiple documents difficult to interpret, others have found the interpretation of development rights and development standards is possible as shown by the development of the Serenity and Summerly projects and other residential projects, the golf course, and motocross operation and the approval of the Waterbury project (VTTM 34017) under the current East Lake Specific Plan. Any facilitation of future development within the boundaries of the East Lake Specific Plan resulting from the proposed Project is addressed in the DEIR by its analysis of the potential impacts of the proposed Project.

The comment mischaracterizes the discussion in DEIR Section 5.17, which appropriately compares the proposed Project to Alternative 1, the Adopted ELSP and No Project Alternative consistent with the findings also presented in the alternatives analysis in Section 7.0 of the DEIR. In addition to this analysis between alternatives, the DEIR provides sufficient information for the public and decision makers to analyze the proposed Project's growth-inducing impacts against the baseline condition. No further response or action is required.

17-107. The comment states that the DEIR's claim that the Project would not lead to growth-inducing impacts is not accurate because it is premised on the concept that any infrastructure described in previous iterations of the Project does not actually exist. The comment states that the DEIR must

analyze growth-inducing impacts in light of the baseline conditions, not previous plans that have not yet been constructed. Please see above response to comment 17-105. No further response or action is required per this comment.

17-108. The comment requests that the City maintain all documents and communications that may constitute part of the Project's administrative record. The comment is noted. The City will maintain the Project's administrative record consistent with Section 21167.6(e) of CEQA. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

17-109. The commenter thanks the City for the opportunity to comment on the Project, and strongly urges that the Project not be approved in its current form. The commenter's opposition to the Project is noted. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 18 – Riverside County Transportation Department

COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY

Juan C. Perez, P.E., T.E.
Transportation and Land
Management Agency Director

Transportation Department

Patricia Romo, P.E.
Director of Transportation

Letter 18
Page 1 of 2

June 1, 2017

Mr. Richard J. MacHott
Planning Manager
City of Lake Elsinore
Planning Division
130 South Main Street
Lake Elsinore, CA 92530

RE: Notice of Availability/Completion of a Draft Environmental Impact Report for the East Lake Specific Plan Amendment No. 11 Project

Dear Mr. MacHott:

Intro 1 Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the East Lake Specific Plan Amendment No. 11 Project. The project is located in the city of Lake Elsinore generally bounded by Lakeshore Drive to the north, Mission Trail and Corydon to the east, and Union Street to the south. The existing East Lake Specific Plan (ELSP) primarily allows for residential uses along with open-space uses; however, the Amendment No. 11 of ELSP proposes to accommodate a wide variety of unique sporting and recreational uses including commercial, restaurant, hotel, residential, and open-space uses.

The Riverside County Transportation Department (County) provides the following comments:

18-1 The DEIR and traffic study for ELSP determined that the planned project has a significant impact on a County jurisdictional intersection that will be mitigated to below a level of significance by the project build-out year 2022. The County recommends that the City place a condition on all phases of the subsequent proposed projects to pay its fair share contribution as illustrated in Table 11-1, page 103 or construct the required improvements.

4080 Lemon Street, 8th Floor · Riverside, CA 92501 · (951) 955-6740
P.O. Box 1090 · Riverside, CA 92502-1090 · FAX (951) 955-3198

Letter 18
Page 2 of 2

Mr. Richard J. MacHott
June 1, 2017
Page 2

18-1 cont. Thank you again for the opportunity to review the DEIR. Please contact me at (951) 955-2016 with questions or comments.

Sincerely,

for Russell Williams
Development Review Manager

RUW:KKT:TT:rg

cc: Juan C. Perez, Director of Transportation and Land Management
Patricia Romo, Director of Transportation
Mojahed Salama, Deputy Director of Transportation

4080 Lemon Street, 8th Floor · Riverside, CA 92501 · (951) 955-6740
P.O. Box 1090 · Riverside, CA 92502-1090 · FAX (951) 955-3198

Response to Comment Letter 18

Riverside County Transportation Department

18-Intro. The introductory paragraph of the comment letter summarizes general overview information regarding the project. Given that this comment is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

18-1. The comment states that the Draft Environmental Impact Report (DEIR) and traffic study for the project identified a significant impact on a County jurisdictional intersection that will be mitigated to below a level of significance by the project build-out year of 2022. The County comment recommends that the City place a condition on all phases of the subsequent proposed projects to pay its fair share contribution as illustrated in Table 11-1 page 103 of the project's Traffic Study, or otherwise construct the required improvements. Mitigation measure MM TC-2 requires that future implementing development projects within the ELSP participate in the construction of on- and off-site intersection and street segment improvements through payment of Lake Elsinore fees and/or participation in the Western Riverside County Transportation Uniform Mitigation Fees (TUMF) program. Either a fair-share analysis or project-level traffic study will be required to demonstrate to the City Engineer that an individual future implementing development project's specific obligations have been fulfilled. For needed improvements that are not covered by specified City and/or TUMF programs in existence at the time of project implementation, mitigation shall be implemented through a fair-share contribution or as otherwise determined by the City Engineer. No further response or action is necessary.

Comment Letter 19 – Office of Planning and Research

Governor's Office of Planning and Research: State Clearinghouse and Planning Unit

Letter 19
Page 1 of 2

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

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

June 2, 2017

Richard J. MacHott
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530

Subject: East Lake Specific Plan Amendment (ELSPA) No. 11 Project
SCH#: 2016111029

Dear Richard J. MacHott:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 1, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

19-1

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED
JUN 03 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter 19
Page 2 of 2

Document Details Report
State Clearinghouse Data Base

SCH# 2016111029
Project Title East Lake Specific Plan Amendment (ELSPA) No. 11 Project
Lead Agency Lake Elsinore, City of

Type EIR Draft EIR

Description The proposed ELSPA No. 11 consists of an amendment of the existing East Lake Specific Plan to: overhaul land uses, development regulations, circulation, drainage, and architectural guidelines for the specific plan area; streamline development by making the specific plan area guidance documents more user-friendly; protect the natural resources in the Back Basin; and ensure that the city's existing and future action-sports activities/venues have a permanent location in the city. The proposed project would allow for a change from a mix of residential, commercial and open-space uses currently allowed in the specific plan to sports- and recreation-oriented uses while maintaining open-space and existing residential entitlements.

Lead Agency Contact

Name Richard J. MacHott
Agency City of Lake Elsinore
Phone (951) 674-3124 x 209 **Fax**
email
Address 130 S. Main Street
City Lake Elsinore **State** CA **Zip** 92530

Project Location

County Riverside
City Lake Elsinore
Region
Lat / Long 33° 38' 43" N / 117° 19' 06" W
Cross Streets Mission Trail and Malaga Rd
19-2 **Parcel No.**
Township 6S **Range** 4W **Section** 9 **Base**

Proximity to:

Highways I-15
Airports Skylark Field
Railways
Waterways San Jacinto River/Lake Elsinore
Schools Railroad Canyon ES
Land Use PLU: Residential; open space; rec; airport use. Z/GP: East lake specific plan

Project Issues Agricultural Land; Air Quality; Biological Resources; Geologic/Seismic; Toxic/Hazardous; Water Quality; Landuse; Minerals; Noise; Public Services; Traffic/Circulation; Other Issues; Aesthetic/Visual; Flood Plain/Flooding; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Solid Waste; Vegetation; Wetland/Riparian; Water Supply; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; State Water Resources Control Board, Division of Drinking Water; Native American Heritage Commission; State Lands Commission

Date Received 04/18/2017 **Start of Review** 04/18/2017 **End of Review** 06/01/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment Letter 19

Governor's Office of Planning and Research: State Clearinghouse and Planning Unit

19-1. This comment confirms that the State Clearinghouse received and distributed the Draft Environmental Impact Report (DEIR) as required by the California Environmental Quality Act (CEQA). This comment also confirms the completion of the 45-day DEIR comment period. This comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

19-2. This comment is the Document Details Report sent by the State Clearinghouse and lists the reviewing agencies as: Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; State Water Resources Control Board, Division of Drinking Water; Native American Heritage Commission; State Lands Commission. Comment letters from three of the agencies listed in this comment were received during the comment period. The three agencies are the California Department of Fish and Wildlife (in joint letter with US Fish and Wildlife Service, Letter 27), the Santa Ana Regional Water Quality Control Board (Letter 26), and the California Department of Toxic Substances Control (Letter 8). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 20 – Patrick Brown (Letter 1)

Letter 20
Page 1 0f 1

From: Patrick Brown
To: Richard J. MacHott, LEED Green Assoc.
Cc: Patrick Brown; jim@americancottages.com
Subject: East Lake Specific Plan EIR Comment June 2, 2017
Date: Friday, June 2, 2017 3:28:45 PM

Mr. Richard MacHott,

20-1 On review of the Public Copy of the Draft EIR for the East Lake Specific Plan Amendment No. 11 Project, the owner of the 76 acre WatersEdge Elsinore property in what is designated as PA 8 strongly objects to the Project Land Use designation proposed for our property. Our property is the undeveloped property south of Lakeshore Drive , east of Lakepoint Park, west of Lucerne, and north of the inlet channel. Early discussions with City Management lead us to believe that the proposed Mixed Use overlay would allow up to 18 DU/acre. What is in the project description is far less and very restrictive on potential uses of our property within PA 8. We challenge that the Project's Land Use designation change proposed for PA 8 will not achieve the Project Objectives 5,6,7,8,9 or 10 as defined in this EIR over what is the existing Land Use designation for our site. Our 76 acres is a significant portion of the developable area of PA 8, and we find the proposed Project inappropriately changes the development potential of our property and what could be a significant asset along the inlet channel to the City. Our property is located close to downtown but will be unable to be creatively or intensely used for development based on the proposed project. In addition we are concerned that the Land Use designation will restrict the possible use of portions of our property for Habitat Mitigation Use. We do not see in the Land Use proposed for PA 8 the flexibility that the project description proposes.

Although the Project may meet General Plan consistency goal for other PAs, for PA8 the Project fails to meet many of the consistency goals and should be changed to address those goals allowing creative and more intense development at least in line with the existing Land Use designation.
We had previously worked with the City on a Proposed mixed use commercial and residential project including a Marina. The Project as proposed in the EIR does not seem to allow anything similar for our property.

I respectfully ask that the project be changed to allow for more intense residential uses as well as increased commercial potential for at least the northwestern half of PA8 from Lucerne westerly.

PATRICK BROWN
WATERSEDGE ELSINORE ASSOCIATES LLC

4060 Campus Drive, Suite 100
Newport Beach, CA. 92660
(949) 510-5178
pat@americancottages.com

Response to Letter 20

Patrick Brown (Letter 1)

20-1. The commenter's email objected to the land uses designated for proposed Planning Area 8 in the East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11). The commenter also expressed concern that the land use designation would restrict the possible use of portions of the commenter's property for habitat mitigation use. This comment is acknowledged; however, it pertains to the provisions of the ELSPA No. 11 and is not concerned with the content or adequacy of the EIR. In response to this comment, the list of permitted uses within the Action Sports, Tourism, Commercial and Recreation land use designation (ELSPA No. 11, Section 2.5.1) was revised to also allow for "Native areas or preserves" and "Passive Open Space" as permitted uses. There was no change in the maximum intensity of development allowed by the ELSPA No. 11 as analyzed by the Draft Environmental Impact Report (DEIR). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 21 – Patrick Brown (Letter 2)

Letter 21
Page 1 of 1

Mr. Richard MacHott
130 South Main Street
Lake Elsinore, CA 92530

6/2/2017

RE: EIR comments for Draft EIR for The East Lake Specific Plan Amendment No. 11 Project.

Dear Mr. MacHott,

As owner of the WatersEdge Elsinore property in the East Lake Specific Plan Area 8, we have serious concerns that the Land Use designation including an overlay severely reduces the development potential for our property. The Project does not meet General Plan goals and objectives for the Project's PA 8 area which is where our 76 acre property is. We own the Land east of Lake point Park, west of Lucerne, and south of Lakeshore Drive.

21-1

The Project impacts our property development Potential in a negative way. We request the project be changed to allow for more intense residential and commercial development within the PA 8 area. The project as shown severely restricts the potential for the site. A previous proposed project for our property under existing Land Use designation would not be possible with the current Project constraints on Land Use.

Sincerely
PATRICK Brown
4060 Campus Drive, Suite 100
Newport Beach, CA 92660
(949) 510-5178
Pat@americancottages.com

RECEIVED
JUN 02 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

Response to Comment Letter 21

Patrick Brown (Letter 2)

21-1. The commenter expressed concerns about the land use designations for proposed Planning Area 8 in the East Lake Specific Plan, Amendment No. 11 (ELSPA No. 11). This comment is acknowledged; however, it pertains to the provisions of the ELSPA No. 11 and is not concerned with the content or adequacy of the Draft Environmental Impact Report (DEIR). No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 22 – RCFC&WCD

'Riverside County Flood Control and Water Conservation District

Letter 22
Page 1 of 1

JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

213216

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RECEIVED
JUN 02 2017
CITY OF LAKE ELSINORE
PLANNING DIVISION

May 31, 2017

City of Lake Elsinore
Planning Division
130 South Main Street
Lake Elsinore, CA 92530

Attention: Richard J. MacHott

Re: East Lake Specific Plan
Amendment No. 11 Project

22-1 The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

22-2 The District has not reviewed the proposed project in detail and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

- This project proposes channels, storm drains 36 inches (36") or larger in diameter or other facilities that could be considered regional in nature and/or a logical extension of the adopted Sedco Master Drainage Plan; the District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities: Palomar Channel, Corydon Channel and Sedco MDP Lines D and E. For further information, contact the District's Operations Engineering Section at 951.955.1210.

GENERAL INFORMATION

22-3 This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Edwin Quiñonez

EDWIN QUIÑONEZ
Engineering Project Manager

c: Riverside County Planning Department
Attn: Kristi Lovelady

HY:blm

Response to Comment Letter 22

Riverside County Flood Control and Water Conservation District

22-1. This comment summarizes the District's role in reviewing land use cases in incorporated cities. It states that the District's comments/recommendations are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities that would be an extension of a master plan system and District Area Drainage Plan fees (development mitigation fees.) This comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the Draft Environmental Impact Report (DEIR) are required.

22-2. The commenter stated that the Riverside County Flood Control and Water Conservation District (Flood Control District) did not review the proposed Project in detail but had the two comments. First, the project describes storm drains 36 inches or other facilities that could be considered regional facilities and/or logical extensions of the adopted Sedco Master Drainage Plan and that the District would consider accepting ownership of these facilities, but that they would need to be constructed to District standards and would be subject to District plan check, inspection and fees in order for the District to accept ownership. Also, an encroachment permit would be required for construction related activities occurring within District right of way or facilities. The DEIR describes the role of the Flood Control District on Page 5.8-19 and Storm Water Drainage Systems and Facilities on pages 5.8-24 and 5.8-25. An encroachment permit from the Riverside County Flood and Water Conservation District has been added to Table 2-1 (Required Approvals) in Section 2 of the EIR.

22-3. The commenter advised the City to require the following before clearance for grading, recordation or other final approval is given: proof of NPDES permitting; proof that FEMA requirements have been met; and acquisition of a Conditional Letter of Map Revision (CLOMR). In addition, the commenter noted that Letter of Map Revision (LOMR) should be required prior to occupancy. Additional permits that may be required include a 1602 Agreement from the California Department of Fish and Wildlife, a Clean Water Act Section 404 Permit from the US Army Corps of Engineers, and a Clean Water Act Section 401 Water Quality Certification from the California Regional Water Quality Control Board. The City of Lake Elsinore and all future implementing development projects in the Back Basin are required to comply with various Federal, State, and local laws pertaining to water resources and flood control depending on each project's setting and its proposed improvements. These applicable Federal, State, and local laws are discussed in DEIR Section 5.8, Hydrology and Water Quality, and DEIR Section 5.7, Hazards and Hazardous Materials. Mitigation measure MM HWQ-1 requires that implementing development projects that require these permits obtain such permits prior to the issuance of grading permits. All of these approvals have been provided in Table 2-1 (Required Approvals) in Section 2 of the EIR.

Comment Letter 23 – The Southwick Law Firm

THE SOUTHWICK LAW FIRM

41856 Ivy Street, Suite 214
Murrieta, Ca 92562
T: (951) 253-1650
F: (951) 461-1414
Email: skip@southwicklaw.com

June 2, 2017

Sent via E- Mail (rmachott@lake-elsinore.org) to the Attention of:

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

RE: **Comments to Draft Environmental Impact Report for the East Lake Specific Plan Amendment No. 11 (State Clearinghouse No. 2016111029)**

Dear Mr. MacHott:

Intro 1 Please consider the following comments submitted on behalf of my client, Southern California Association for Law and the Environment ("SCALE"), to the Draft Environmental Impact Report for the East Lake Specific Plan Amendment No. 11 ("DEIR"). Please also make this Letter, and all documents referred to in the Letter, a part of the Administrative Record for this Project.

I. Project Description, Development Proposals, Analysis and Mitigation are Vague

23-1 The DEIR as a whole is vague and unintelligible. The specific locations, types and intensities of development proposals are unclear. Conservation objectives are uncertain. The DEIR relies too heavily on future analyses of Project impacts and future formulation of mitigation measures outside the scope of CEQA review. By and large, the DEIR fails as an informational document under CEQA.

II. Noise Impacts Associated with the Lake Elsinore Motosports Park or Similar Future Facilities are not Properly Analyzed or Mitigated

23-2 Members of SCALE and others living in residential areas adjacent to the Lake Elsinore Motosports Park ("LEMP") report that noise levels from use of the off-road facility are intolerable, especially where involving 4-wheel quad vehicles and for events requiring special use permits such as racing and concerts. The Conditional Use Permit currently in force for the LEMP allows only the use of motorcycles, and does not allow the use of quad 4-wheeled vehicles or trucks, yet use of these 4-wheeled vehicles is being allowed on the site without restriction by the City creating a public nuisance unenforced by Lake Elsinore City officials. Despite all of the noise pollution being emitted from the LEMP, no noise monitoring or analysis was done for residential areas neighboring the LEMP, including but not limited to Summerly or Sedco Hills. Furthermore, the Noise Study

June 2, 2017
Page 2
RE: East Lake Specific Plan Amendment No. 11 (SCH No. 2016111029)

23-2 cont. concedes that "[n]oise measurements of activities at the existing Lake Elsinore Motorsports Park were not feasible because no major events were scheduled during the noise study period." (DEIR, Appendix "I," p. 15.) Yet the DEIR proposes an increase in activity involving the LEMP, as well as additional noise intensive land uses proposed in PA 6 including both dirt and paved track racing facilities allowing use of 11 different classes of extremely noisy quads, trucks and other 4-wheeled vehicles. (DEIR, Appendix "I," section 6.2.2.) The DEIR concedes that it is uncertain whether proposed mitigation could reduce impacts to sensitive noise receptors to acceptable levels, and impermissibly defers necessary analysis and mitigation to an unknown time post-approval of the Project, in violation of and outside the scope of CEQA review.

III. The DEIR Provides Inadequate Consideration of Project Location in a 100-year FEMA Floodplain

23-3 Virtually the entire East Lake Specific Plan Amendment No. 11 Project is submersed beneath a 100-year FEMA floodplain according to relevant Flood Insurance Rate Map ("FIRM") Panels. However, the DEIR fails to adequately analyze or mitigate impacts associated with Project location in a 100-year FEMA floodplain.

IV. The DEIR Fails to Adequately Consider the Presence of an Alquist-Priolo Special Studies Earthquake Zone Within Project Boundaries

23-4 Both the Elsinore and Wildomar Quadrangle Alquist-Priolo Maps indicate the presence of earthquake hazard Special Studies Zones within Project boundaries. However, the DEIR fails to adequately analyze or mitigate impacts associated with Project location within Alquist-Priolo Special Studies Zones.

V. Analysis of Impacts and Mitigation Measures Related to Future Location and Use of Skylark Airstrip and Relative to Other Project Development Proposals is Uncertain

23-5 Analysis and mitigation of impacts related to future location and use of Skylark Airstrip, and relative to other Project development proposals is uncertain. The future location and use of Skylark Airstrip is undisclosed in the DEIR. Likewise, mitigation measures proposed to reduce Airstrip impacts to other Project development proposals in intangible and uncertain. This is a foundation violation of CEQA.

Respectfully submitted,

THE SOUTHWICK LAW FIRM
Attorneys for Southern California
Association for Law and the Environment

By: /s/ Stanley K. Southwick, Esq.

Business • Real Estate • Environmental • Family • Employment

Response to Comment Letter 23

The Southwick Law Firm

Intro-1. The commenter states that this comment letter is written on behalf of Southern California Association for Law and Environment, and requests that this comment letter as well as all documents referred to in the letter be maintained as part of the administrative record for this project. The commenter's affiliation and client are noted. The comment letter, this response to comments, as well as other project-related documents will be included in the project's administrative record consistent with California Public Resources Code Section 21167.6(e).

23-1. The commenter states that the Draft Environmental Impact Report (DEIR) is "vague and unintelligible"; the "specific locations, types and intensities of development proposals are unclear"; and that "conservation objectives are uncertain." The commenter also states that the "Draft EIR relies too heavily on future analyses of Project impacts and future formulation of mitigation measures outside the scope of CEQA review", and that "the Draft EIR fails as an informational document under CEQA." The locations, types, and intensities of potential development are clearly specified in Chapter 3 of the DEIR and the ELSPA No. 11 from a land use perspective, as this is a programmatic specific plan implementation project. Future implementing development projects implemented under the specific plan are required to undergo future environmental review as outlined in Section 10.7.2 of ELSPA No. 11. Conservation objectives, including the plan for achieving 770-acres of open space conservation in the ELSP site as well as compensatory mitigation are also addressed in the DEIR (Section 5.3) as well as the ELSPA No. 11. This comment provides no further specifics related to deficiencies of the content or analysis within the DEIR, therefore no modifications of the DEIR are required.

23-2. The commenter states that noise levels coming from the existing Lake Elsinore Motorsports Park (LEMP) are intolerable, particularly due to racing of 4-wheel quad vehicles and special racing and concert events. The commenter also asserts that the City is not enforcing the existing LEMP conditional use permit. The comment that the LEMP is an existing noise source and concern for adjacent residents, including those in Summerly and Sedco Hills is acknowledged; however, this is an existing facility and not proposed by the Project. It should be noted that the proposed Project identifies motocross sports facility as an "Action Sports 1" use. The proposed ELSPA No. 11 would allow only one Action Sports 1 use and that would be allowed only in Planning Area 6, which would be located further away from existing Summerly and Sedco Hills residents than the current LEMP. Should the proposed Project be approved, it is expected that the existing LEMP would continue operations as a non-conforming use consistent with the conditional use permit, close, or to submit an application to relocate to Planning Area 6 as an Action Sports 1 use. New motorsports facilities, including racing and motocross facilities, is not a planned use in the proposed Planning Area 2, the current location of the LEMP. No further response or action is necessary.

The comment also states that no noise monitoring or analysis was completed by the Project for residential areas neighboring the LEMP; and, that the Project's Noise Study did not collect noise measurements for the LEMP during a major event. DEIR pages 5.10-6 and 5.10-7 discusses monitoring

locations L2 and S11, and specifically explains why these locations were chosen to establish average baseline operational noise of the LEMP in relation to the nearest residential receptors, i.e. Summerly. Although no major events occurred during preparation of the Noise Technical Study or DEIR, a detailed analysis was modeled utilizing anticipated operations and literature review of other comparable racing facilities as described on DEIR pages 5.10-50 and 5.10-51. No further response or action is necessary.

The commenter states that the Project "proposes an increase in activity involving the LEMP, as well as additional noise intensive land uses proposed in PA 6", which may result in significant impacts. The proposed Project does not propose an increase in activity involving the existing LEMP, which is in PA 2. As noted above, the proposed Project identifies a motocross sports facility as an "Action Sports 1" use, which would be a permitted use in PA 6. Mitigation measures MM NOI-2 through MM NOI-5 are required to minimize noise from future implementing development racing facility projects in proposed Planning Area 6. This is a programmatic land use Project, therefore, the DEIR neither currently has the site-specific details, nor does it speculate on such details of potential future projects, which would be required to provide their own project-specific acoustical study and undergo additional environmental review prior to implementation per ELSPA No. 11 Section 10.7.2. CEQA does not require analysis if a particular impact is too speculative. (CEQA Guidelines §15145) No further response or action is necessary.

23-3. The commenter states that the DEIR provides an inadequate consideration of impacts and feasible mitigation related to the Project's location within a 100-year FEMA Floodplain. Please see Section 5.8 of the DEIR, which discloses the setting of much of the ELSP site within the 100-year FEMA floodplain, potential for impacts, and feasible mitigation measures (MM HWQ-6 through MM HWQ-8) that would be required of all future development in the ELSP site to ensure potential flood hazard impacts are less than significant. For example, on page 5.8-27, the DEIR states that most of the site, with the exception of the Summerly and Serenity development, is within the 100-year floodplain and would be subject to a potential 100-year flood event based on <u>current site elevations</u> [Emphasis Added]. The DEIR also clearly states that General Plan policies require new future implementing development projects to be constructed above the 100-year base flood elevation, in conformance with all applicable provisions of the National Flood Insurance Program (page 5-8-28). The discussion of the Lake Management Project and Flood Storage Requirements on page 5.8-28 of the DEIR describes that development proposing habitable structures can occur through the "use of fill material to raise the development pad to an elevation above the projected 100-year inundation level (an elevation of approximately 1,263.3 feet) along with meeting certain freeboard requirements." No further response or action is necessary per this comment.

23-4. The commenter states that the DEIR fails to adequately consider the presence of an Alquist-Priolo Special Studies Earthquake Zone within the ELSP project site. Section 5.5 of the DEIR provided a detailed analysis on Alquist-Priolo Special Studies zones, and identified and disclosed potential impacts related to faulting hazards within the ELSP under Impact GEO-1. Mitigation measures MM GEO-4 and MM GEO-5 specifically address potential seismic fault hazards. However, in response to this comment,

the following revisions are made to Section 5.5 in order to clarify the presence of an Alquist-Priolo Special Studies zone within a portion of the project boundaries.

Section 5.5.6.2 (Operational Impacts) is hereby amended as follows:

5.5.6.2 Operational Impacts

The Elsinore fault zone is assumed active within the Project's boundaries. The last recorded ground rupture on the Elsinore fault occurred in 2010 in vicinity of the Laguna Salada segment in Baja California. The last earthquake over magnitude 5.2 along the main trace of the Elsinore fault was a Mw 6 quake near the Temescal Valley in 1910 that produce no known surface rupture. Lesser magnitude earthquakes have occurred along the Elsinore fault zone in 1890, 1918, 1923, 1937, 1954, 1968, and 1982. Therefore, although the Elsinore fault complex is considered active, it is unlikely that the Project site would be subject to surface rupture during a seismic event. Additionally, the Alquist-Priolo Special Studies Zone for the Wildomar Fault, an Elsinore fault zone strand, is found within ELSPA No. 11 along the southwestern boundary of Planning Area 3, the northeastern boundary of Planning Area 4 and a portion of the southwestern boundary of Planning Area 5. Nonetheless, implementation of mitigation measures **MM GEO-1 through MM GEO-5** would ensure adequate setbacks for habitable structures away from active faults and fissures would be required to reduce potential impacts to less than significant levels.

The Consistency Analysis for Goal PS 6 in Table 5.5-1 is hereby amended as follows:

CONSISTENT. Potential seismic impacts are evaluated in the Project's EIR. ~~The Site does not lie within the latest~~ A portion of the Alquist-Priolo Special Studies ~~Zones~~ Zone for the Wildomar Fault crosses the southwestern portion of the Project site. The Project would comply with City and state building and seismic safety requirements that reduce the risk of loss of life, injury, property damage, and economic and social displacement due to seismic and geological hazards.

Mitigation Measure MM GEO-4 is hereby amended as follows:

MM GEO-4 Prior to approval of future implementing development projects within the ELSP and within areas enclosed by the State of California Special Studies maps, a fault hazards investigation shall be conducted by a geotechnical engineer to identify potential hazards onsite associated with the ~~Glen Ivy North~~ Wildomar fault and previously theorized buried en-echelon faults. The geotechnical engineer in coordination with the City shall make design and setback recommendations, where required. Pending results of the investigation, additional evaluation (e.g. fault trenching) may be required by the geotechnical engineer in coordination with the City to ensure engineering design and setback recommendations are site-appropriate.

These minor revisions merely clarity and amplify the analysis and conclusions already presented in the DEIR; therefore, do not represent any substantial evidence showing any new of different potentially significant impacts.

23-5. The commenter states that an analysis of impacts and mitigation measures related to the future location and use of the Skylark Airport, relative to project-related details of other future implementing development projects that would occur within the ELSP site, have not been included in the DEIR. The commenter also states that mitigation measures related to the airstrip are intangible and uncertain. Chapter 3 of the DEIR and the ELSPA No. 11 document clearly designates an airport overlay zone in proposed Planning Area 3, which includes an area where the airport may relocate. The precise location of the runway and other airport facilities are not known at this time; however, mitigation measures MM HAZ-3 and MM HAZ-4 are required to address potential construction and operational impacts associated with the airport and future development, whether relocation occurs or does not. At this time, the timing and ultimate design of a relocated Skylark Airport is not known and any conclusions drawn regarding that information would be speculative. Due to the programmatic nature of this Project, the DEIR does not speculate on the construction or design details of multiple future implementing development projects, including the potential relocation of Skylark Airport. CEQA does not require analysis if a particular impact is too speculative. (CEQA Guidelines §15145) Please see Section 10.7.2 of the ELSPA No. 11 for more information related to project-level CEQA documentation for subsequent implementing development projects that are proposed in the ELSP site.

Comment Letter 24 – Terri Mullins

Letter 24
Page 1 of 1

Daniel Latham

From: Richard J. MacHott, LEED Green Assoc. <rmachott@Lake-Elsinore.org>
Sent: Friday, June 02, 2017 4:02 PM
To: Sean Noonan; Eric Turner
Cc: Grant Taylor
Subject: Fwd: Comments on Lake Elsinore East Lake Specific Plan, Amendment No. 11 Draft EIR

More comments on EIR.

Richard J. MacHott, LEED Green Associate
Planning Manager
City of Lake Elsinore

Sent from my iPhone

Begin forwarded message:

From: Terri Mullins <weatherbyacres@gmail.com>
Date: June 2, 2017 at 3:58:56 PM PDT
To: rmachott@lake-elsinore.org
Subject: Comments on Lake Elsinore East Lake Specific Plan, Amendment No. 11 Draft EIR

Richard MacHott
Planning Manager
Lake Elsinore

24-1 Thank you for the opportunity to submit my comments on the Lake Elsinore East Lake Specific plan, Amendment No. 11 Draft EIR.

As a resident & homeowner in the Summerly neighborhood, I want to speak to the lack of analysis of several issues.

24-2 The draft EIR ignores negative environmental effects on the existing residents of Summerly. Careful consideration should discuss potential impacts of operational aspects of the proposed wide open permissible use of recreation--vibration impacts from vehicle traffic & other recreational uses; air quality emissions from the operation of recreational transportation modes. The analysis of emissions should address differences in emissions of different types of fuels utilized.

Other considerations should address traffic accidents with an influx of visitors. Emergency services vehicles need to have dedicated access to serve both a venue & the residents of Summerly.

24-3 As a home owner that bought into a residential community of families, please understand these concerns with utmost due diligence of review.

Respectfully,
Terri D. Mullins

1

Response to Comment Letter 24

Terri Mullins

24-1. The commenter is a resident/homeowner in the Summerly neighborhood and is grateful for the opportunity to comment on the Draft Environmental Impact Report (DEIR). The comment is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

24-2. The commenter states that the DEIR failed to consider environmental effects on the existing residents of Summerly; that operational aspects of the recreation uses including vibration and air quality emissions should be carefully considered; that analysis of emissions should address the different types of fuels utilized; that traffic accidents from an influx of visitors be addressed; that adequate access to Summerly and recreation venues be dedicated for emergency service vehicles.

As stated in DEIR Section 5.10, Noise, a noise technical report prepared for the project in March 2017 (included as Appendix I of the DEIR) evaluated the potential noise and vibration impacts of the proposed Project on nearby receptors, including adjacent single-family homes including those in the Summerly community (Planning Area 1). The findings and recommendations of the Noise Report, as well as mitigation measures for noise and vibration impacts, are identified and included in DEIR Section 5.10, Noise. This noise technical report evaluated the potential noise and vibration impacts of the proposed Project on nearby receptors, and potential impacts related to future development within the Project site and Project vicinity based on the proposed land use changes.

The California Emissions Estimator Model (CalEEMod), used to quantify potential criteria pollutant and greenhouse gas emissions associated with both construction and operations from projects, inputs the square footage of the various land uses to determine emissions. The model factors in the different types of fuels used in project construction and operations based on land use. In addition, future implementing development projects, including extreme sports/racing facilities, are required to evaluate project-specific air quality emissions (Mitigation measures MM AQ-1 and MM AQ-2). As such, future quantitative analysis may be required to ensure future implementing development project's specific actions are consistent with the analysis and determinations made in the DEIR. Additional information on air quality analysis is provided in Section 5.2 of the DEIR and the Air Quality and Greenhouse Gas Analysis (Appendix E of the DEIR).

Potential impacts and mitigation measures related to transportation are discussed in DEIR Section 5.14, Transportation and Circulation, as well as the project's Traffic Impact Analysis Report (Appendix K of the DEIR). The analysis referenced above has taken the project's proposed land uses, including action sports and active recreation uses into account.

No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

24-3. The commenter requested that these concerns be addressed with diligence and understanding. The CEQA review process is designed to provide decision makers and the public with information about the potential, significant environmental effects of proposed activities, and to disclose to the public the reasons why a government agency may approve a project if significant environmental effects are involved. The commenter's participation in this process is acknowledged. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Comment Letter 25 – Offices of Miller, Catlin, and Holmstrom

Totally Opposed to East Lake, Elsinore

From the Offices of Miller, Catlin, Holmstrom

P.O. Box 1341

Elsinore, California 92531 stopbuildinganything@gmail.com 951-259-7785

Before 4 on Friday, June 2, 2017.

Mr. Richard J. MacHott, Planning Manager City of Lake Elsinore Planning Division
130 South Main Street Lake Elsinore, CA 92530 rmachott@lake-elsinore.org

25-1 Lake Elsinore is not an economic corridor. The Lake is the attraction and should be refreshed and respected for its amazing historical formation of certain soils and sands that retain water. If any developer would prefer to have the Lake dried and completely filled for tract housing and malls, then, these thoughts need removed from the ether. It is a natural fresh water Lake that should house activities that protect the chemistry of aquatic life. Instead, it is being sacrificed for tax revenue generated by more building to satisfy out of town developers and planners and elected officials who THINK TAKING CARE OF THE Lake isn't enough of a job that they have to attract more construction and cause downsizing of mobility of traffic from too many housing communities, too many events, too many fossil fueled sports, too many concerts, and other Dream Extreme actions and businesses moving into Lake Elsinore. Lake Elsinore cannot continue to emit heat from more concrete and cars because the City is permitting more housing, light and heavy industry, commercial and retail areas over heating the Environment. The City cannot encourage more motor sports on Lake Elsinore contaminating the Lake. And why is the City soliciting non-lake actions: baseball, basketball, small car derbies, motor crosses.... These sports disturb the Peace and quite, scare the wildlife, downsize the fishing, upset the fossil fuel free sports and encourage the use of petrochemicals in recreational activities such as motocross, car racing, jet boat racing. 2,950 acres of noisy, unfilled, major traffic and heat generating buildings, sports parks and complexes is not appropriate for an endangered Lake ecosystem: one of the few fresh water lakes in Southern California. It would be a much more environmentally acceptable place if there were no fossil fueled sports including the loud motor cross. To say that Lake Elsinore has always had motocross and sky diving is to decry the native Indians, the Luiseno people whose pictographs can be found on rocks on the Santa Ana Mountains and in Temescal Valley and who traversed the shores of Lake Elsinore known to them as Entengvo Wumoma. We need to respect the clean air and rising and falling of the lake height in natural weather patterns. That they witnessed and not condemn today's inhabitatnts with pollution, congestion and overcrowding. To increase the fossil fueled and decibely impacting activities of motor sports in Elsinore is a sacrilege to the heritage of the ancestors and intensely environmentally damaging. If current citizens need more play, they can move to where they came from not bring their habits with them. Mountains and in Temescal Valley, and artifacts have been found all around Lake Elsinore and in the local canyons and hills.

This attracting of sports that have never dominated Lake Elsinore is causing:

25-2 a. too much noise emitting from the lake area combined with too many houses and people owning cars and motorcycles without proper noise limiters and resulting in hearing loss: a health concern. Even the cheering for ball games at the Diamond and various venues is adding to decibel increase and hearing decrease.

25-3 b. The lake to become more contaminated with fossil fuel molecules and the fish to be less desirable to eat. You are impacting your original recreation arena which was sport fishing. http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/lakes_study/lakes_report_v1.pdf This article suggests that lakes in California are contaminated with PCB, mercury, methylmercury, sulfate, nitrates, etc. These contaminates are from septic tanks, animal manures, motor boating, and air contaminations from burning coal and oil. Lake Elsinore will be further impacted from mercury if runoff is allowed to accumulate from the old gold Mine housing project on Highway 74. I don't have time to write a book. Site these problems yourself.

25-4 c. These construction activities around Lake Elsinore have caused an above average air quality area to have more particulate matter, more ozone, more nitrous oxides and to be reported as below average air quality. We need to work to return our famous Clean Air and remove the polluted daily conditions.

25-5 d. The traffic is unbearable and a major carbon footprint as people stall in traffic at Four Corners by North Albertsons, North and South Railroad Canyon Exit, at Grand Avenue off the Ortega Mountains, etc. and, in general, caused stalled traffic with the Diamond actions all the time.

Streamling Legislation that would make the Development Process Faster

25-6 We definitely don't want the development process streamlined to promote out of town investors caused by City Ordinances initiated by Melissa Melendez and the gang of developers that have descended on Riverside County. Melendez is one of the destroyers of the quality of Life in Elsinore and has tried to pass pro-development Legislative Bills in the California State Assembly. We want the CEQA laws obeyed and all law suits carefully understood by the City as their responsibility to the land with which they are entrusted.

Hi Lights of Desires of Dream Extreme

25-7 The following are comments on your description of the possible permits that will be available for and are already designed in the plans for the DESTRUCTION of the Natural and Sacred sandy soil lake bed bottom. Elsinore is a small town without the ability to have 6 lane roads that would have to accommodate this much traffic. Leave all these sporting venues where they are in Orange County, San Diego County, and Los Angeles County and PREPARE FOR THE NEXT RECESSION. We got along without all these entrepreneurs before they predacated Elsinore and we will get along without them after they go back to Los Angeles, San Diego and Orange County with their Earth Destructive Idea. This project was solicited by former City Councils and Planners.

25-8 A. Two more concert areas: Elsinore already has a concert venue: The Diamond. They don't need to sacrifice more land for entertainment with traffic swamping Mission Trail and Corydon. I have seen tents for concerts on the lake bed. It wasn't a bad venue and left the next day. I have heard about

2

25-8 cont. gated concert venues at La Laguna, and, they left the next day. Why do you need a venue that stays empty most of the time, however, it disturbed wildlife habitats and paved over more of the Nature of Lake Elsinore?

25-9 B. We don't need 3,650 more residential dwellings causing 30,000 more truck and car traffic on the arterial streets of Lake Elsinore. The project seems to be named Waterbury.

25-10 C. Four hotels moving in at 540 rooms is the same as 4 tract housing projects at 135 houses apiece at 135 rooms apiece.

25-11 D. The East Lake Project does not include the Major Sports Complex on Diamond Drive billed as the largest sports park yet. However, it needs a comment. How do you figure a town with 50,000 people who do not PAY TO PLAY and look for free city events could ever support 58 basketball/volleyball courts. This is Hilteristic rationale. This would require 464 teams times 7= 28,448 teams per week to book this monstrosity when the closet venue is averaging 255,000 feet in plus teams to keep it filled Leave the shopping center already there and decrease this monstrosity to maybe twenty courts and see if you fill that at all. These mammoth buildings are averaging 255,000 square feet and increasing too much heat and carbon and resource waste footprint for Lake Elsinore

25-12 E. This seems to indicate there will be Fairgrounds and Lighted athletic fields that will definitely impact noise levels, unsurmountable traffic, the Dark Skies Act, the water quantity for potable water to provide for all this tourism.

25-13 F. There is even thoughts of trying to cool a block of ice for hockey rinks. Ice skaters and hockey players live near their passion and if you build they will come so more people needing housing. So no. What is more impacting than chilling blocks of ice? Leave them in Orange County. Just because you have a flat piece of land doesn't mean that you should build on it.

These are the possibilities of the Permits

25-14

Active Recreation 1 Uses1 1 Active Recreation 2 Uses2 3

Action Sports 1 Uses3 1 Action Sports 2 Uses4 1

Outdoor Concert Venue (10,000 attendees

Commercial/Industrial 458,000 square feet

Golf Course (The Links at Summerly) 1

Hotels 4

Parks 36.4 acres

Preservation/Mitigation7 815.18 acres minimum

Mixed Use Overlay 1,350 dwelling units

Residential Neighborhoods 2,290 dwelling units

Restaurants 67,500 square feet

3

25-14 cont. 1. Active Recreation 1 – More intense weekend trip generating land uses (e.g., baseball/field

25-15 sports complex) This is completely bankrupting for the city as these venues will sit empty as people are not going to PAY TO PLAY: not from Elsinore citizens nor from outside sprawl from other cities. The other cities have these actions. Corona has wall to wall sports parks. Escondido has wall to wall sports centers. Refer to Section D in Highlights of the East Lake Specific Plan

25-16 2. Active Recreation 2 – Includes less intense trip generating land uses (e.g., water park, cable ski park, hockey rink. These actions are far from less trip generating as people would come from further away for anything to do with ICE, WATER PARKS, CABLE SKI PARKS, and would make up for seasonal use by jamming the roads to access these venues during their open period. Even Temecula canceled this type of permission as their citizens balked and educated them on the detrimental waste of water and traffic immobility and horror story every evening trying to get in and out of Temecula now. Must we reflect on Railroad Canyon which is just going to fill back up because of Canyon Crest, then, you are going to add 50,000 more car trips because of East Lake Specific.

25-17 3. Action Sports 1 – Motocross sports facility with up to 20,000 spectators per event. You already have lung damaging particulate and pollution generating motor cross attracting people from far away. You are going to mix 20,000 event attendees with 30,000 car trips from the housing section that you think that you are building. I pray that Jehovah stops these plans before He gets permanently stuck in traffic when He was about to resurrect a few good souls from Lake Elsinore. Such encouragement of a fossil fueled sport by grandstands to increase audience spectator sport ideals should be banned as we are desperately in need of decreasing our Heavy Carbon Footprint.

25-18 4. Action Sports 2 – Motorsports Race Track with minimum trip generation/parking needs. This means race tracts for cars and motorcycles. How absolutely non aquatic and impacting to the lake as Clarity is challenged with air pollution disseminated over the water. How absolutely negatively over the top decibel noise increasing damaging to the children, animals, elders and Jesus just may tell you to be quite or the power of the angels will shut Elsinore down. I heard about the possibility of NAASCAR RACE TRACT, THIS MUST BE IT. Beyond archaic to waste oil, jet fuel, gasoline for the entertainment of humanity. We must evolve to saving any type of energy in light of consumption crisis that has tipped the CO2 output to over 400 ppms and the only thing the Climate Deniers can say is "We are still here aren't we?" We must evolve to appreciate the Nature that surrounds us and not above not continue to decimate the soils and rock formations with concrete.

25-19 5. The Outdoor Concert Venue would share grounds with an Active Recreation 1 Use facility.

Elsinore has had concerts on the Beach under the night sky. You have had concerts at the Diamond. What is the complaint? You don't need to pour more concrete for parking and deface more of the Environment for concerts.

25-20 6. Four Hotel Maximum of 540 rooms

For Hotels, we should rebuild the Elsinore Country Club on its existing site, open the Military Academy and the downtown hotel which will increase the traffic significantly, however, it is better than removing the open space that houses the wildlife and vegetation and aesthetics of Nature.

4

25-21 Also, we should communicate with area hotels in Murrieta and Temecula and establish electric express bus system that would take people to the events in Elsinore expediently from Hotels in Temecula and Murrieta. 540 planned hotel rooms can generate 2720 about half a tract house as usually one car appears for 24 hours and does require food services, and other service vehicles coming to the restaurants and laundry and car trips for conferences, etc. that will be occur in the area. On the contrary this Waterbury will create cars and trucks plus all the service vehicles and trucks that will send it up to 34,000 cars trying to move on Corydon and the 1-15 freeway. Also, unfortunately Hotels attract theft as people steal from cars around hotels at night.

25-22 Who is going to fill that many hotels? We have hotels in Murrieta, Wine Country, Temecula. If several of your events were on the same night, mayhem would develop and hotel space would be at maximum, really, there is mayhem traffic in Temecula, on 1-15 every night and capital improvement will be filled up at Railroad Canyon every night.

25-23 7. There could be permission for a major Fair Grounds. Well, Lets see, a major Fair grounds in a town of 56,000 on the verge of 200,000. Fairgrounds are in the country and in the Cities so it could exist here. They are usually associated with the County. Have you even discussed this with County Officials who might not want this not competing with established Fairs? Let's see, Temecula had a Fair at Galloway Downs. It didn't seem to generate enough business and was not repeated. I think there are less intense traffic tie up areas for such a venue and I do not want a Fair on the Lake Bed; it seems a sacrilege to have so many people of a Light hearted venture running over a sacred Natural space leaving heavy carbon footprints, large amounts of trash to remove and loud noise from inappropriate fossil fuel actions like Big Trucks. It is not a sophisticated venture. I KNOW THAT YOU WOULD LIKE TO BE Del Mar Fair grounds, Lake Elsinore is a Lake with windsport activities not a heavy carbon footprint Fair.

The Alternatives to this Massively Destructive Project

25-24 8. Preservation/Mitigation acreage is approximate. Actual acreage set aside for Preservation/Mitigation purposes may vary I think all should be set aside accept for the few additional actions that I am discussing :

A. a greatly decreased basketball sports complex, because I can't stop it.

B. I heard about replacing the wharf or pier that extended into the Lake a long time ago. If constructed with recycled steel and plastic wood, then, maybe, ...

C. A PORT FOR THE Steam boat that was allowed to deteriorate

D. Gas Lamps for the entire circumference of the Lake.

E. A few more public spaces on the West side with proper relocation of any buildings that might have to be moved.

5

25-25 F. What happened to the mass transit and possibly mass transit station parking facility that is supposed to go up I-15? What about a stop at Lake Elsinore? Or remove Car Max Murrieta and put the stop there.

The Planned Sites

Plan 1 SPA 1 Amendment

Summerly and no new additions like the 100 Houses THAT I SPOKE AGAINST May , 2017.

25-26

Plan 2 SPA 2 Amendment

This must be the Flood Zone that will be wiped out from an intense flood. The City is discussing removing the vegetation and historic soils and turning into more outdoor ball fields. Once, AGAIN, THIS IS THE LAKE. We could have a path to enjoy the water fowl and discuss the herbs of the fields and plant back some of the Native trees. This is the possible Fair Grounds and Car racing and motor cross. How tasteless and dreadful!!! Will Write more later.

Plan 3 SPA 3 600 Acres of this NON Related Sports

Plan 3 SPA 3

25-27 Action Sports, Tourism, Commercial and Recreation This could be the area where the car Racing and other fossil fueled and ball Sports may happen. Once again, this is completely disrespectful of the ancestor's treks to their sacred Lake and the focus on the attributes of the Lake. If these actions must go on, they can go on somewhere else and get back to swimming, fishing, wind sports on Lake Elsinore. There is no understanding of your lack of respect for a natural phenomena like Lake Elsinore by putting ball fields everywhere. You can just use a Green Overlay for Preservation Unmitigatable on all this land.

PA 4

Waterbury or any other single family or multi Family Housing

25-28 The map says 98 acres. It has to be more and going into the Action Sports area which will be a nightmare of night car racing because this is the 3,640 Apartments and houses. It has to go onto the 603 acreage in PA 3. There might be several single family housing and Multiple Family housing tracts planned in this area. The one that I found is named Waterbury on its second extension of time for achieving any construction. I sure hope none occurs. This place is so intense with multifamily apartments 14 per acre and the ensuing traffic from 3, 640 units at 2 cars or three plus multiple car trips thrown out on Mission Trail. Beyond our comprehension.

25-29 Especially on the Lake Bed where there is a runway. Building Mixed Use on A runway. That's housing and businesses. Didn't you read the multiple articles of wrongful death and injury due to pilot or mechanical failure and, yet, you are allowing recreation and housing in the direct path of a run way and drop zone. 6 houses per acre that could have Parachutists dropping into the back yard. The airport is a site specific activity and has the rights to continue their business as they were there before ELSP so this project can't continue. Save the last visual Open Space around the Lake and leave the Sports that are there. You already ran off the Ultra Light Hang Gliders, now, you are running off the Parachutists who do have a reason to practice their activities as they are involved in search and rescue in radical terrain. Whatever lifestyle or whatever else they do is not my business.

25-30 Waterbury Medium Density can result in 14 units per acre: That is multi- family apartments and High Density at 22 units per acre also Waterbury is even steeper Higher Density maybe Ultra High Density.

WATERBURY must be fought legally and fought until applicant removes the petition. This applicant is the City of Lake Elsinore and we are shocked that the City would sell off its responsibility to the divine nature of the land.

25-31 http://www.lake-elsinore.org/home/showdocument?id=18723

Does not add up to the Green Globes Certification or the Living Building Challenge

Or the Leadership in Energy and Environmental Design LEED AS THE ONLY Energy designation is each house had the right to have solar We don't need the Right we need the installation of all the existing buildings in America, Elsinore, the world or solar stations for every 30 houses that are already here and that should keep people in job s for a while.

25-32 Clearly violates the Lake Elsinore Climate Action Plan unless you put all this underground and the people never surface. They have no cars, they can come up to walk only. We don't have to look at their houses. We can look at the Lake.

Community-Wide GHG Emissions

25-32 cont.

Sustainable Development is an Oxymoron as bad as when Trump says, "America First" when America is totally dependent on foreign oil, borrowed money from China and slave labor and resources from around the world. We cannot be first when we are last as in Energy independence or any other independence sacrificed by people like Trump who has wrecked land, economy, and lives with hotels and gold extraction. He and other heavy Wealth Focused consumpters indulge in excessive meat eating and logging forests and squandering for constructing too many buildings for their lifestyles and use the God Hating and Earth destroyers and Life terminating bombing military to defend them. These lifestyles contribute heavily to ghg emissions and this project clearly violates the Lake Elsinore Climate Action Plan unless you put all this underground and the people never surface. They have no cars, they can come up to walk only. We don't have to look at their houses, deal with their pollution, traffic, overcrowding schools, services, consuming the food and water.

And clearly violates any ability to have reasonable traffic circulation at peak traffic and peak event.

Clearly violates the Lake Elsinore Climate Action Plan unless you put all this underground and the people have no cars, they can come up to walk only. We don't have to look at their houses, see their lights, hear their vehicles, be stressed from potential of more traffic accidents and domestic violence.

25-33

Cleary violates the cumulative amount of ghg from not stopping Canyon Crest plus Alberhill which won't happen, however we must deal with what could happen and see that the average over polluted days will rise dramatically in the Community Wide GHG Emission Statistics.

25-34

What is the complete energy independence of each house not the bogus remark that each house will be able to have solar cells? Every house can have solar cells. That is no sales pitch. Every dwelling will have solar

Water and Sewer Services for massive Head Count at Events and Housing

25-35

"Sewer service in the East Lake Specific Plan area is scarce. There is insufficient sewer capacity to meet the requirements of the specific plan. The Mission Trail trunk line may be experiencing surcharging at many manholes during peak flow conditions, according to EVMWD's 2016 Sewer Master Plan. The study surmises that there is too much flow being sent to the trunk line along Mission Trail. The study suggests that the District's Capital Improvement Plan address ways to divert flow from Mission Trail to a new regional lift station in the specific plan area that is capable of handling the amount of

flow. The study suggests further that the Lakeshore/ELSP projects comprise a new lift station, parallel force mains, and roughly 24,200 feet of gravity main in the specific plan area, in order to address current and future capacity issues."

☐Reducing water consumption by 20 percent, with voluntary goal standards for 30%, 35% and 40% reductions. Replacement of water fixtures with low flow fixtures when new additions are added after January 1, 2017. Dual flush toilets are required.

☐Required diversion of 50 percent of construction waste from landfill, increasing voluntarily to 65% and 75% for new homes and 80% for commercial projects.

☐Installation of low pollutant-emitting materials.

27-35 cont. ☐Installation of separate water meters for nonresidential buildings' indoor and outdoor water use.

☐Moisture-sensing irrigation systems for larger landscape projects.

☐New construction to add future car charging stations.

☐Mandatory inspections of energy systems (e.g., heat furnace, air conditioner and mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity and according to their design efficiencies.

East Lake Specific Plan 9-6

☐Requiring low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring and particle board.

☐Reclaim grey water through filter system for grass, plants and trees; though not allowed for fruits or vegetables. Reuse of black water is not allowed.

Solid Waste

Where is the Solid Waste (MT CO2e) 21,622 47,083 90,056

Recreation (MT CO2e) 13,839 30,415 58,174

25-36 Total GHG Emissions (MT CO2e) 506,727 1,064,565 2,028,819

Emissions Per Service Population (MT CO2e/SP) 8.5 7.4 6.7

9

PA 8

25-37 The City of Elsinore Planners just couldn't keep their hands off the entire East Lake. Where are all the agencies and water protectors that this could get this far? This is the area that will have a way too ambitious indoor sports complex for volleyball, basketball, racquetball, etc. This project completely needs to be decreased to maybe 20 courts at 30,0000 square foot building and two story and leaving much less of footprint and the Mission Trail shopping center. This is the area of the SPORTS Comples, I think. More ridiculous attraction of ball sports to a sacred, divine phenonmena of a lake bed that keeps water in it called a lake. Come to the Lake for the lake!!!!!!!!!!!!!!!!!!!!!!!

25-38 Other problems with this are unbearable visual congestion from not being able to see he Lake Shore as we currently know it. It is unfortunate that so many houses surround the West side of the Lake and there are very few Public Areas. This congestion will occur with the Specific Lake Plan.

Community/Regional Recreational Facilities

25-39 Located southerly of the Bundy Canyon-Diamond Drive alignment, the flood storage area of approximately 184 acres provides opportunities for a variety of active and passive recreational uses. We see no purpose in this venue. Once again the Lake is the center of attention and doesn't need the view distracted with carnival like atmosphere. We don't need intense storms that paving over this flood zone could cause. It that is the purpose of this land to absorb flood waters why would you build it up for sports games when you have McVikar Park, and several other ball parks around the Lake. The storms in May 24, 2017 so strong broke Newport Beach sea wall and neighbors floated downstream in intertubes, Soccer Park Flood in St. Louis Missouri, two years later, 2013 Colorado floods remain nightmare for residents.....If you have a flood storage area better hang on to it.

25-40 Chapters 15.64 and 15.68 of the Lake Elsinore Municipal Code and various FEMA Technical Bulletins provide direction for the elevation and protection of structures within special flood hazard areas.

25-41 Land Use Transitions

Any proposed development project within Planning Area 2 that contains non-residential uses shall provide onsite sufficient buffer to any adjacent existing or future residential uses. Specifically, the Summerly residential development shall be protected from noise and light with a transition area ranging from 100 to 250 feet in width and totaling a minimum of 15 acres along the west boundary of Planning Area 2. The transition area is a location where developers are encouraged to place required managed open space setasides.

10

25-42 Summerly generates objectionable light and noise to the formerly romantic and aestic night skies and Peace and Quite think what more actions like car racing, Multi Family Housing, AND MORE HUGH POLES TO LIGHT UP ATHELETIC FIELDS will CAUSE Night Sky Violations. Plus noise until 10 at night.

The Endangered Species on the East Lake Specific Plan

25-43 There is too many endangered and biodiverse plant populations growing on the sandy soil of the Lake bed where this tract housing is planned. Their presence is immitigable as their adaptation to this unique soils, clays, etc. is unrepeatable and created by A Higher Power.

Vegetation

25-44 There are Plant members in the vegetation community of Riversidian sage scrub, the Diegan Coastal sage scrub, Coastal sage scrub, Riversidian alluvial fan sage scrub. We certainly don't want to lose more Chaparral, Southern Willow Scrub and riparian thickets with black willow, sandbar willow, red willow and arroyo willow.

The soils that hold their precious roots are loose, sandy, fine gravelly alluvium soils used to the coming and goings of Lake Elsinore. That activity has already been cut off because of the levies imposed by the city to shrink the Lake for development and to stabilize evaporation. The evaporation technique did not work because the Lake has shrunk perilously low. How can you cause more grief from algae blooms from future droughts exacerbated because of heat pouring from more buildings, parking lots, traffic, and fossil fueled sports.

When they shrank the Lake, they have increased the possibility of allowing the Southern willow scrub riparian forest areas to go extinct and the less Native species of Southern Cottonwood to take over the areas where Native Fremont Willow, Southern Sycamore, etc. trees held in force. These tree wash communities needed the period of flooding and type of soils and sands that supported the tree communities and could only be brought back if flood gates were allowed to bring in the waters. These dominate native trees need moist, bare mineral soil Lacustrine and Ponded Alluvial Deposits not dried soil airlifted by strong winds that have been occurring in this drought which increased as man encroaches on natural areas like Lake Elsinore. The City will pave over a special-status/sensitive habitat with their SOI Sphere of Influence if they allow this action to continue. Other species in this special/sensitive area are the California mugwort, mule fat, wild cucumber, Western Sycamore, stinging nettle a healing herb.

25-45 http://www.lake-elsinore.org/home/showdocument?id=18681

This sounds more like the truth

☐Amendment No. 6: Approved in July 2004, Amendment No. 6 redistributed land uses and eliminated a portion of the circulation loop within Phase I. Amendment No. 6 also reduced the overall residential yield of the ELSP from 9,000 dwelling units in the original Specific Plan to 7,975 dwelling units. Amendment No. 6

25-45 cont. consists of a large portion of land that was previously modified by Amendment Nos. 1 and 2. Where are the other 4,3335? Not in our town. Not any where in California or the North American Continent.

http://www.lake-elsinore.org/home/showdocument?id=18723

25-46 We have burrowing owl siting on the properties considered for ELSP.

Comment Entire Project

25-47 Does not add up to the Green Globes Certification or the Living Building Challenge

Or the Leadership in Energy and Environmental Design LEED AS THE ONLY Energy designation is each house had the right to have solar We don't need the Right we neee the installation of all the existing areas or solar stations for every 30 houses that are already here and that should keep people in job s for a while.

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Sustainable Development is an Oxymoron as bad as Trump saying America First when America is totally dependent on foreign oil, borrowed money from China and slave labor and resources from around the world. We cannot be first when we are last as in Energy independence or any other independence sacrifice d by people like Trump who has wrecked land, economy, and lives with hotels and major gold extraction and the most obvious consumptious heavy meat eating and logging forests for building lifestyle of the God Hating and Earth destroyers and Life terminating bombing military.

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12

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25-48 cont.

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25-48 cont. Sustainable Development is an Oxymoron as bad as Trump saying America First when America is totally dependent on foreign oil, borrowed money from China and slave labor and resources from around the world. We cannot be first when we are last as in Energy independence or any other independence sacrifice d by people like Trump who has wrecked land, economy, and lives with hotels and major gold extraction and the most obvious consumptious heavy meat eating and logging forests for building lifestyle of the God Hating and Earth destroyers and Life terminating bombing military.

25-49 You've seen this traffic nightmare in Los Angeles and somehow you think it is alright to impose this on us. I hope the people are listening and will come to the Planning Commission not for less houses in the over capacitated project or an easement issue hearing or for better drainage or road improvements but for Standing predicatingly firm against more buildings in Lake Elsinore and Standing Strong for Retaining the Rural Character of the Lake Ambience.

We need to get a grip on reality. Likely we will head to another recession because America continues to dapple in other nations and make this a war economy for keeping the price of oil the way they want it.

25-50 Leave this land MSHCP Multispecies Habitat Conservation Plan

27-51 You can't be protecting sensitive plant and wildlife species residing or occurring within the city if you cover so much over with buildings as there corridors and buffers and mating areas are destroyed.

25-52 The longtime residents knew that it was over for the Lake and the citizens of Lake Elsinore when Developers and City Officials teamed up to full build out her native shores and levied her freedom to flood or incur impacts from droughts. Lady of the Lake has always had comings and goings and who were the elected officials to stop her from proceedings? I cannot stand to see the precious trees even if they are Eucalyptus paved over with more housing and the native soils levied with asphalt hot street of concrete.

25-53 How much potable water is needed by 209,000 people in Lake Elsinore times how many cities are OVER DEVELOPING THRUOUT Southern California at forecasted rate of growth. California is predicted to add 4.3 million people only if you build, then, they will come as slave workers for the elite of North America pushed from their countries by dictators that cause refugees that America says they will be glad to take to fill the empty houses and work in the factories.

25-54 This plan is incredibly damaging to the Environment and the citizens of Lake Elsinore need to stand against it. Have you been to the Lake with the increasing intense Southern Tropical Mexican storms that blow most every afternoon. This isn't normal. I used to windsurf here----a quite, calm none impacting activity that took us across the Lake if the right amount of wind from the Pacific Jet Stream occurred NOT THE MEXICAN STORM CYCLE. For it to blow across from the West is rare now and all these plans will change wind and weather patterns for the worse. I don't want to see more heat, more pollution, more noise, more crime, more strain on public services.

Response to Comment Letter 25

Offices of Miller, Catlin, and Holmstrom

25-1. The comment states that the project will impact the aquatic health of the Lake and produce contamination; increase traffic and heat; increase noise; impact cultural resources; impact air quality; and interfere with the natural rise and fall of the Lake levels on the floodplain. This comment also mistakenly suggests that Lake Elsinore will be "dried and completely filled for tract housing and malls." The proposed amendment of the East Lake Specific Plan (ELSPA No. 11) does not propose any development of Lake Elsinore or any activities on the lake itself.

Information on the aquatic health/water quality and mitigation measures can be found in Draft EIR (DEIR) Section 5.8, Hydrology and Water Quality. Information on the traffic generated by the project and measures to mitigate impacts can be found in DEIR Section 5.14, Transportation and Circulation. Information on greenhouse gases and human-induced global warming can be found in DEIR Section 5.6, Greenhouse Gas Emissions. Information on noise impacts and measures to minimize them can be found in DEIR Section 5.10, Noise. Cultural resources and measures to protect them are discussed in DEIR Section 5.4, Cultural, Paleontological and Tribal Resources. (It is noted that the mitigation measures for potential impacts to cultural resources were developed in consultation with the Pechanga Band of Luiseño Indians and the Soboba Band of Luiseño Indians.) Air quality is discussed in DEIR Section 5.2, Air Quality; and hydrology and floodplain issues are discussed in DEIR Section 5.8, Hydrology and Water Quality. As discussed in Section 6.2 of the DEIR, significant unavoidable impacts may occur to air quality, GHGs, noise and traffic should the Project be implemented. Therefore, the City would be required to prepare findings of fact and a statement of overriding considerations in accordance with CEQA prior to final decision on Project approvals. Other environmental issues analyzed were determined to either have no impact, a less than significant impact, or a less than significant impact with implementation of required mitigation measures. The comment is noted and no further response is necessary.

25-2. The comment expresses concern over noise levels emitted from sports developments and related population growth in the ELSP vicinity. Current levels of noise, potential noise impacts of the proposed project, and measures to minimize noise are discussed in DEIR Section 5.10, Noise. The comment is noted and no further response is necessary.

25-3. The comment expresses concern over water contamination in the Lake. Existing water quality, potential water quality impacts of the proposed project, and measures to reduce impacts to water quality are discussed in DEIR Section 5.8, Hydrology and Water Quality. The comment is noted and no further response is necessary.

25-4. The comment expresses concern over current air quality in Lake Elsinore, which the commenter attributes to increased development. Current air quality conditions, potential air quality impacts of the proposed project, and measures to reduce impacts to air quality are discussed in DEIR Section 5.2, Air Quality. The comment is noted and no further response is necessary.

25-5. The comment expresses general concerns over traffic and the resulting carbon footprint in Lake Elsinore. Current traffic and air quality related to the Project are discussed; potential traffic and air quality impacts of the proposed project are addressed, and feasible mitigation measures to reduce impacts to traffic and air quality are discussed in DEIR Section 5.14, Transportation and Circulation, and DEIR Section 5.2, Air Quality. The comment is noted and no further response is necessary.

25-6. The comment expresses general opposition to development projects in Riverside County and Lake Elsinore and the desire to have CEQA obeyed. This Project's EIR complies with the provisions of CEQA. This comment is acknowledged; however, since it is not explicitly concerned with the content or adequacy of the EIR, no further response or action is necessary. However, for context, it should be noted that the Project site is already approved for predominantly residential land use development under the existing East Lake Specific Plan as detailed in DEIR Section 7.0, Alternatives Analysis. The proposed Project would reduce the amount of currently approved residential and commercial uses at the Project site with predominantly sports and recreation-oriented uses.

The comment also requests that CEQA be obeyed. Section 2.0, Introduction, of the DEIR describes how the EIR was prepared in compliance with CEQA. Section 10.7.2 of ELSPA No. 11 outlines the means by which future implementing development projects within the ELSP site will be required to comply with CEQA regulations. The comment is noted and no further response is necessary.

25-7. The comment expresses general opposition to development in Lake Elsinore. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary. Please also see response to Comment 25-6 for additional context.

25-8. The comment expresses opposition to the construction of "two more concert areas" at the ELSP site and suggests use of existing venues instead. This is a comment regarding the proposed ELSPA No. 11 and not regarding the DEIR. This comment incorrectly identifies the potential for two concert areas within the ELSP. Table 2-3 of the ELSPA No. 11 identifies two areas where a potential outdoor concert venue could be located but specifically states that there would be a "[m]aximum of 1 of these facilities within ELSP." This comment also references concerts that have occurred in the past that "left the next day." Table 2-3 also states that the potential outdoor concert venue "would share grounds with an Active Recreation 1 Use facility." Therefore, the concert venue is envisioned as a temporary use and not a "venue that stays empty most of the time." Additionally, potential uses in the ELSP do not preclude the use of the existing facilities. No further response or action is necessary.

25-9. The comment expresses opposition to residential development. This comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the DEIR. Therefore, no further response or action is necessary. However, it should be noted that the proposed Project would reduce the amount of residential development currently approved under the existing adopted specific plan. Please see DEIR Table 7-2 for a comparison. It is noted that the Waterbury project (VTTM 34017) referenced in this comment was approved on December 13, 2005. This 2005 approval is not part of the proposed Project.

25-10. The comment compares hotel and single-family residential development. The comment is not concerned with the content or adequacy of the DEIR; therefore, no further response or action is necessary.

25-11. This comment questions the viability of the Diamond Sports Complex, and its air quality impacts. The Diamond Sports Complex is a separate project from the one under consideration by this EIR. The comment is acknowledged; however, it is not concerned with the content or adequacy of this EIR. No further response or action is necessary.

25-12. The comment indicates that fairgrounds and lighted athletic fields will produce noise, traffic, light and glare impacts and impacts to the water supply. Project impacts related to light and glare are discussed in Section 5.1, Aesthetics, of the EIR. Noise impacts are addressed in Section 5.10, Noise. Traffic impacts are analyzed in Section 5.14, Transportation and Circulation. Water supply is discussed in Section 5.15, Utilities. Given this comment does not address any deficiencies in the EIR analysis, no further response or action is necessary.

25-13. The comment expresses disapproval of hockey rinks, and suggests that it may lead to growth inducement. Growth-inducing impacts of the Project are presented in Section 5.17 of the EIR. This comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-14. The comment re-states the Development Targets of ELSPA No. 11. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

25-15. The comment contends that Active Recreation 1 uses will not be used adequately. This comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-16. The comment expresses opposition to Active Recreation 2 uses due to traffic impacts and increased water usage. Traffic impacts are evaluated in Section 5.14, Transportation and Circulation. Water supply is covered in the Project's Water Supply Assessment (Appendix L) and the Utilities Section (Section 5.15). Since the comment does not relate to the content or adequacy of the EIR, no further response or action is necessary.

25-17. The comment expresses opposition to Action Sports 1 uses due to traffic and greenhouse gas impacts. Traffic impacts are evaluated in Section 5.14, Transportation and Circulation. Greenhouse gas impacts are discussed in Section 5.6, Greenhouse Gas Emissions. The comment is noted; however, it does not relate to the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-18. The comment expresses opposition to Action Sports 2 uses due to water quality, noise, air quality, and greenhouse gas impacts. The comment is noted; however, there are no specific comments

related to the content or adequacy of the EIR. Each of these topics is covered in Section 5.0 of the Project's EIR. No further response or action is necessary.

25-19. The comment states that concerts have been previously held at other venues in the City, and that no additional venues are needed. Please see response to comment 25-8. No further response or action is necessary.

25-20. The comment suggests rehabilitating existing venues as an alternative to constructing new hotels. The comment is noted; however, there are no specific comments related to the content or adequacy of the EIR. No further response or action is necessary.

25-21. The comment suggests establishing an electric express bus system to link the City with hotels outside of the City as an alternative to constructing new hotels. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary. However, it should be noted that mitigation measure AQ-5 requires one or more secure dedicated shuttle drop-off point(s) and/or bus stop(s) at new Action Sports, Tourism, Commercial and Recreation facilities with connections to Malaga Drive, Lucerne Street or Cereal Street.

25-22. The comment expresses doubt that there is a market to fill the hotel rooms proposed in the ELSPA No. 11. This comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-23. The comment questions the suitability of Lake Elsinore for fairgrounds and comments on the greenhouse gas impacts of fairs. Greenhouse gas emissions are discussed in Section 5.6, Greenhouse Gas Emissions. The comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-24. The comment proposes alternative uses for the Specific Plan area. A reasonable range of alternatives was analyzed for the Project site in DEIR Section 7, consistent with CEQA. No further response or action is necessary.

25-25. The comment asks about possible mass transit facilities along I-15. In addition, mass transit facilities go beyond the scope of this Project. No proposals regarding a mass transit station and associated parking facility within the City of Lake Elsinore have been submitted to the City. Mass transit facilities going up the I-15 is not within the land use authority of the City and Car Max Murrieta is located within the City of Murrieta and also not within the City's purview. No further response or action is necessary.

25-26. The comment expresses opposition to additional houses in Planning Area 1 and to development in Planning Area 2. The comment is acknowledged; however, it pertains to the provisions of the Specific

Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-27. The comment disapproves of the Action Sports, Tourism, Commercial and Recreation uses designated for Planning Area 3, preferring preservation. The comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-28. The comment opposes development in Planning Area 4. The 98.2-acre Planning Area 4 is the Serenity community which has already been built. No further development is planned for this area; therefore, no more new units are proposed at this location. This comment pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-29. The comment questions the compatibility of Skylark Airport with proposed land uses in the Specific Plan. As discussed in Section 5.7, Hazards and Hazardous Materials, future implementing development projects within the Project site and within the Skylark Airport Influence Area would be evaluated for consistency with continued operations at the airport and/or compliance with FAA safety requirements. Therefore, the ELSPA No. 11 does not preclude Skylark's continued operations. The ELSPA No. 11 also allows for the future relocation of the airport as described in Section 2.5.6 of the ELSPA No. 11.

The comment also says that "allowing recreation and housing in the direct path of a run way [sic] and drop zone" could lead to a safety hazard. As further discussed in Section 5.7 of the EIR, mitigation measures have been provided to reduce these potential impacts. Specifically, MM HAZ-3 and MM HAZ-4 would require development within both the Project site and Skylark Airport Influence Area to demonstrate no construction equipment would be placed within the airport's runway protection zone (RPZ) or imaginary surfaces area that could obstruct navigable airspace; or otherwise, demonstrate compliance with applicable requirements of the Federal Aviation Administration (FAA) regarding any encroachment into the airport's navigable airspace in accordance with Federal Aviation Regulations (FAR) Part 77. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-30. The comment states the development densities of the Waterbury development (Vesting TTM 34017 Overlay) must be "fought legally and fought until applicant removes the petition". It is unclear as to what petition this comment is referencing. The comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. However, as noted above in the response to comment 25-9, the Waterbury development, which was approved in 2005, is currently entitled under the existing adopted specific plan and not proposed as part of this Project; this Project honors the existing entitlement but would change the underlying land use to Action Sports, Tourism, Commercial and Recreation uses should the Waterbury development not move forward. No further response or action is necessary.

25-31. The comment questions whether the project will earn the green certifications that the Specific Plan describes in Section 9.1.4. Energy consumption is discussed in Section 5.16, Energy and Irretrievable Resources. Also, please see Section 9.1.4 of the ELSPA No. 11 related to green building. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-32. The comment claims that the project violates the Lake Elsinore Climate Action Plan (CAP). In addition, it voices concern about traffic impacts, light pollution, noise and stressful living. Section 5.6, Greenhouse Gas Emissions, discusses the CAP and its role in evaluating emissions for the project. The Project does not conflict with the CAP and has required mitigation measure GHG-1, which places stricter requirements on GHG reductions for future implementing development projects with efficiency measures that accelerate the base requirements of the CAP. Traffic, noise, and aesthetics are covered in Section 5.0 of the EIR. No further response or action is necessary.

25-33. The comment states that the Project "[c]leary [sic] violates the cumulative amount of ghg from not stopping Canyon Crest plus Alberhill which won't happen, however we must deal with what could happen and see that the average over polluted days will rise dramatically in the Community Wide GHG Emission Statistics." As described in Section 5.6, "the California Natural Resources Agency noted in its public notice… that impacts of GHG emissions should be considered in the context of a cumulative impact, rather than a project impact." Therefore, as fully analyzed in DEIR Sections 5.6.6 and 5.6.8, the proposed Project's cumulative contribution to GHG emissions was considered. No further response or action is necessary.

25-34. The comment requests that residential units in the ELSP site be energy independent, and suggests use of solar cells. Air quality, greenhouse gas, and energy-related mitigation measures to reduce impacts have been incorporated. For example, use of solar photovoltaic systems and/or solar water heating units, as outlined in ELSPA No. 11 2.4.1, Development Regulation 27, may be utilized to demonstrate future implementing development projects have reduced their GHG emissions through energy efficiency requirements that exceed the City's CAP requirements as detailed in mitigation measure MM GHG-1. Also, as noted in the response to Center for Biological Diversity comment 17-59, Section 2.4.1 (Specific Plan Development Requirements) of the proposed Project (ELSPA 11) is amended by adding a new subparagraph f to Development Requirement 27 as follows:

> f. <u>All new multi-family residential, commercial and industrial development shall include solar photovoltaic systems that meet at least 50 percent of the development's projected energy use.</u>

No further response or action is necessary.

25-35. The comment re-states portions of Section 5.15.2, Existing Conditions, of Section 5.15, Utilities. It also lists the minimum green building standards for the California Green Building Code as found in the Specific Plan, Section 9.1.3. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

25-36. This comment provides metric tons of carbon dioxide emissions information excerpted from Table ES-1 (Existing and Projected Greenhouse Gas Emissions and Development Assumptions (2008, 2020 and 2030)) of the City's Climate Action Plan (CAP). This comment takes this information out of the context of Table ES-1 and associated CAP text, and states the purpose of citing this information. Air quality and greenhouse gas emissions associated with the proposed Project are covered in Sections 5.2 and 5.6 of the EIR respectively. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-37. This comment requests that the Diamond Sports Complex be reduced in size. The comment refers to a previously approved project outside the scope of the current EIR. This comment also continues the mistaken concept that the subject project includes Lake Elsinore. The proposed amendment of the East Lake Specific Plan (ELSPA No. 11) does not propose any development of Lake Elsinore or any activities on the lake itself. No further response or action is necessary.

25-38. This comment states that the Project will contribute to existing visual impacts that have occurred related to other prior projects in the ELSP vicinity, which the commenter states block some views of the Lake. The Project's aesthetic impacts are discussed in Section 5.1 of the EIR. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-39. The comment expresses opposition to active and passive recreational uses in the ELSP site. The comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

The comment states that adding more pavement to the site would lead to more intense storms and would impair absorption of flood waters. See Section 5.8 of the EIR for discussions related to hydrology and water quality. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

The comment also states that there are several other sports field venues throughout the City that could be used instead of building new facilities in the ELSP. Potential uses in the ELSP do not preclude the use of existing facilities. The comment is acknowledged; however, it pertains to the provisions of the Specific Plan and is not concerned with the content or adequacy of the EIR. No further response or action is necessary.

25-40. The comment includes text from Section 3.3.3 of the ELSPA No. 11 with no additional information. Given there was no specific comment provided related to the content or adequacy of the EIR, no further response or action is necessary.

25-41. The comment includes text from Section 3.3.3 of the ELSPA No. 11 with no additional information. Given there was no specific comment provided related to the content or adequacy of the EIR, no further response or action is necessary.

25-42. The comment expresses concern related to increased noise and lighting. The EIR discusses these topics in Sections 5.1 and 5.10 respectively. This comment is acknowledged; however, since it is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

25-43. The comment expresses concern with potential Project impacts to endangered species and biodiversity. These topics are discussed in more detail in Section 5.3 of the EIR as well as the Biological Resources Technical Report, Appendix H to the EIR. This comment is acknowledged; however, since it is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

25-44. The comment opposes vegetation removal associated with the Project. These topics are discussed in more detail in Section 5.3 of the EIR as well as the Biological Resources Technical Report, Appendix H to the EIR. This comment is acknowledged; however, since it is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

25-45. The comment includes text describing previously approved Amendment No. 6 to the East Lake Specific Plan contained in Section 3.3.1 (Historic Perspective) of Section 3.0, Project Description of the DEIR. The comment also includes links to Section 5.5 (Geology, Soils and Seismicity) of the DEIR and to the April 14, 2017 Draft ELSPA No. 11. The comment states, "Where are the other 4,3335? [sic] Not in our town. Not any where [sic] in California or the North American Continent." Given there was no specific comment provided related to the content or adequacy of the EIR, no further response or action is necessary.

25-46. The comment states that burrowing owl occur within the ELSP site. Burrowing owl are discussed in more detail in Section 5.3 of the EIR as well as the Biological Resources Technical Report, Appendix H to the EIR. This comment is acknowledged; however, since it is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

25-47. The comment restates the same comment which was provided under comment 25-31. Please see above response to comment 25-31. No further response or action is necessary per this comment.

25-48. The comment restates the same comments made in comments 25-29, 25-32, 25-35, 25-38, 25-42, 25-45, and 25-47. Please see above response to comments 25-29, 25-32, 25-35, 25-38, 25-42, 25-45, and 25-47. No further response or action is necessary per this comment.

25-49. The comment expresses concern related to increased traffic congestion related to the Project, and states opposition to the Project as proposed. Traffic impacts are discussed in more detail in Section 5.14 of the EIR as well as the Traffic Impact Analysis Report, Appendix K to the EIR. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-50. The comment requests that the land be preserved as MSHCP open space. As discussed in Section 5.3, Biological Resources, the proposed Project will comply with the MSHCP. This comment is

acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-51. The comment expresses concern that sensitive plant and wildlife species would be impacted by the Project. Potential Project impacts to plant and wildlife species are discussed in more detail in Section 5.3 of the EIR as well as the Biological Resources Technical Report, Appendix H to the EIR. This comment is acknowledged; however, since it is not concerned with the content or adequacy of the EIR, no further response or action is necessary.

25-52. The comment expresses opposition to the Project. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-53. The comment asks how much potable water is needed to accommodate the Project in the context of regional and statewide population growth. A Water Supply Assessment has been prepared in support of the Project, and was provided as Appendix L of the EIR. This information is analyzed with respect to CEQA requirements in Section 5.15 of the EIR, which covers utilities. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

25-54. The comment expresses opposition to the Project. The comment also expresses concern related to recent storm events and trends. This comment is acknowledged; however, it is not concerned with the content or adequacy of the EIR. Therefore, no further response or action is necessary.

Comment Letter 26 – Santa Ana Regional Water Quality Control Board

Letter 26
Page 1 of 3

Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriquez
Secretary for Environmental Protection

Santa Ana Regional Water Quality Control Board

June 6, 2017

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DRAFT ENVIRONMENTAL IMPACT REPORT, EAST LAKE SPECIFIC PLAN, AMENDMENT NO. 11 PROJECT - CITY OF LAKE ELSINORE, SCH NO. 2016111029

Dear Mr. MacHott:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the Draft Environmental Impact Report (DEIR) for the East Lake Specific Plan (ELSP), Amendment No. 11 Project (Project), proposed for the southeastern shore of Lake Elsinore within the City's incorporated area ("Back Basin"). The Project site is bounded on the north by Lakeshore Drive and Malaga Road, on the east by Mission Trail and Corydon Road, and on the south by undeveloped City-owned land and residential neighborhoods.

The proposed Project would provide a flexible framework, while revising or incorporating ten previous ELSP amendments since 1998, to divide 2,950 acres of partly vegetated playa into eight planning areas (PA; Figure 1 Land Use Plan). Although the playa has been reworked by historical lake transgressions and regressions, we understand that since the late 1980s a peripheral flood control levee protects this largely vacant block of reclaimed land from further inundation. The San Jacinto River (SJR, Reach 1 to Canyon Lake) previously bisected the site and flowed to the Lake through the southwestern corner of the Project site, but later the SJR was diverted northwesterly into a created inlet (Lake Elsinore inlet channel). The PAs propose to: 26-1

- Support the completion of 2,290 residential units, development which was started under earlier CEQA documents (PA 1, 707.5 acres; PA 4, 98.2 acres);
- Designate sites for recreational and "action sports" sites (PA2, PA3, PA6, and PA8), including the existing airstrip with related skydiving; and
- Recognize preservation and mitigation areas (PA 5,422.6 acres; PA7,187.7 acres; other areas onsite).

The golf course located in the center of the Project site will be reconstituted as "The Links at Summerly," in the western portion of PA1. The Lake Elsinore inlet channel (now PA7) and most of its northern shoreline (PA8, 196.7 acres) are respectively planned for preservation/ recreation and mixed use, but the Lake Elsinore Diamond baseball stadium at the east end of the inlet is not part of the Project. The Project would be completed through an initial five-year phase, then during two more decades until 2040 (Executive Summary, ES p.1-5).

We recommend that the final EIR incorporate the following comments in order for the Project to best protect water quality standards (water quality objectives and beneficial uses), as defined in the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan):

26-2 1. The beneficial uses (BUs) of Lake Elsinore and the San Jacinto River, Reach 1, are: Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Municipal Supply (MUN), Agricultural Supply (AGR), and Groundwater Recharge (GWR). Any related dredging operations in the Lake would utilize silt curtains and pre-test sediments for toxicity (ES p.1-38), to minimize impacts to these BUs co-existing within the Project. Still, Board staff strongly recommend the maximized enhancement of beneficial uses, and hopefully minimized dredging, through Project adoption of the DEIR's Environmentally Superior Alternative, "Alternative No. 2 – Proposed Project with no development in Planning Area 6 (PA6)" (ES p.1-9). Removal of the proposed commercial, hotel, and other major structures from PA6, the westernmost lakeside portion, would obviate their vulnerability to levee breaches, liquefaction, or other potential lake encroachment issues.

26-3 Conversely, an emphasis on restoration within PA6 that is compatible with low-impact usage (walking paths to the considered concert venue?) would provide a natural resource buffer between the Lake and the commercial/residential sites on higher ground in PA8, PA1, PA2, PA3, and PA4. The presence of the golf course immediately east of PA6 would contribute to a generally uninterrupted habitat block. Board staff note that the entire western half of the Project site could be planned to accommodate any rising lake levels through the discussed reconfiguration of berms to convey lake (and inlet) water into certain sections of restored freshwater marsh.

26-4 2. The Lake Elsinore Back Basin is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), and portions of the Project site overlap certain MSHCP Criteria Cells. During MSHCP formulation in 2003, the City met with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to determine the current agreement to conserve 770 acres in the Back Basin. This agreement was meant to satisfy MSHCP numeric requirements and has not been fulfilled (DEIR Biological Technical Report p.2; ES p.1-5; Mitigation Measure MM BIO-8). The Biological Technical Report states that these 770 acres include the Lake Elsinore inlet channel, portions of the golf course, a vernal pool complex, and an existing 356-acre wetland area ("365-acre Wetlands Mitigation Area" in MM HWQ-7, ES p.1-39). Additionally, the Project may add a portion of the "T-shaped" peninsula (with causeway) extending into the Lake, as well as wetland and riparian forest acreage (all in PA6).

26-5 Board staff appreciates that any such dedication of acreage for the MSHCP would occur during Phase 1. Further, the DEIR recognizes that among the Project's permits for dredge and fill impacts to waters of the U.S./state, a Clean Water Act (CWA) Section 401 Water Quality Standards Certification, or Waste Discharge Requirements (WDRs) acting as a Certification, is required from the Regional Board prior to the issuance of a CWA Section 404 Permit from the U.S. Army Corps of Engineers. However, Tables 12 through 26 within the Biological Technical Report and discussion provide confusion between the impacts to acreages of waters of the U.S. and state, and acreages of wetland/ riparian/ vernal pools, above and below agreed elevations. A minimum of 10 acres of impacts to U.S. waters and 46 acres to state waters (BTR Tables 16, 17, and 18), if not much more,

26-5 cont. are significant acreages which could be finalized in a future interagency meeting. Board staff request that the final EIR, and eventually a permit application, present one mitigation solution for total acreages where all state waters and their communities overlap those of the United States, as well as for state waters outside of federal jurisdiction.

26-6 Both onsite and offsite mitigation are under consideration, but for consistency, Board staff prefer that mitigation be conducted onsite. This would be an opportunity to proactively augment any acreage of sensitive plant species likely native to this lakeshore (MM BIO-4), but diminished or lost to human disturbance. Further, structural BMPs should capture and eliminate dry-weather flows to planned marsh/mitigation areas and the Lake, while stormwater runoff should have pollutants minimized to the Maximum Extent Practicable, as the DEIR generally discusses.

26-7 The DEIR appears to have general difficulty in separating mitigation processes and actions for the construction within MSHCP Criteria Cells (MM BIO-4) (revegetation plans, translocation, etc.) as compared with mitigation for construction within water bodies (CWA Section 404/401 permitting; Lake and Streambed Alteration Agreement). For example, ES pg. 1-20 states that the Project would remove a maximum of 6.08 acres of Southern Cottonwood Willow Riparian Forest from various sites. MM BIO-4 would preserve, partly through translocation, 90 percent of the population in order to satisfy the MSHCP. In apparent conflict, MM BIO-8 proposes a graduated scale of mitigation ratios for both waters of the state and U.S., up to a minimum 2:1 ratio of replacement. It would be the MM BIO-8 scenario that Regional Board staff must ostensibly work with, for mitigating the loss of these 6.08 acres through conditions in a Certification or WDRs. To simplify this entire situation, we believe that an increased, minimum 3:1 ratio would satisfy all permits and prior agreements for this case and maximize beneficial uses. We urge the application of a 3:1 ratio to onsite mitigation for all jurisdictional waters and MSHCP compliance, including any above-referenced additional acreage in a low-impact PA6 area, to achieve or exceed the 770-acre dedication originally required.

If you have any questions, please contact Glenn Robertson at (951) 782-3259 and Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-4995 and Terri.Reeder@waterboards.ca.gov .

Sincerely,

Terri S. Reeder, Senior Engineering Geologist
Supervisor, Coastal Waters Planning & CEQA Section

cc: State Clearinghouse
Jeff Brandt, California Department of Fish and Wildlife, Ontario office – Jeff.Brandt@wildlife.ca.gov
Stephanie J. Hall, U.S. Army Corps of Engineers, Los Angeles - Stephanie.j.hall@usace.army.mil
Karin Cleary-Rose, U.S. Fish and Wildlife Service, Palm Springs office – Karin_Cleary-Rose@fws.gov

Drive H: Grobertson/Data/CEQA/CEQA Responses/ Riverside County/City of Lake Elsinore/DEIR-City of Lake Elsinore- East Lake Specific Plan, Amendment 11.docx

Response to Comment Letter 26

Santa Ana Regional Water Quality Control Board

26-1. The commenter stated that Regional Water Quality Control Board staff from the Sana Ana Region reviewed the project, and goes on to summarize project location and project description information with references to the EIR and ELSPA No. 11. This comment incorrectly states that "[t]he golf course located in the center of the Project site will be reconstituted as 'The Links at Summerly' in the western portion of PA 1." The existing golf course within the Project site is currently known as "The Links at Summerly" and is located in the western portion of the proposed PA 1. There is no proposed relocation of the golf course. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

26-2. The commenter provided the beneficial uses for Lake Elsinore and the San Jacinto River, Reach 1. The comment also acknowledges incorporation of MM HWQ-2 and MM HWQ-3, which would require the pre-testing of sediments for toxicity and the use of silt curtains for project-related dredging operations, respectively. Despite these mitigation measures for future implementing development projects, the commenter recommends adoption of the DEIR's Environmentally Superior Alternative, which involves no development in PA 6, to avoid and minimize vulnerability to levee breaches, liquefaction, and other potential lake encroachment issues. The Board staff's preference for Alternative 2 is noted. In response to this comment's information regarding the San Jacinto River, Reach 1, Table 5.8-1 (Beneficial Uses for Water Bodies within the Project Site) is hereby amended to incorporate the beneficial uses for the San Jacinto River, Reach 1, as follows:

Table 5.8-1. Beneficial Uses for Water Bodies with in the Project Site

Water Body	Beneficial Uses
~~*Surface Water Body*~~*Lakes and Reservoirs*	
Lake Elsinore	REC1, REC2, WARM, WILD
Inland Surface Streams	
San Jacinto River – Reach 1	MUN, AGR, GWR, REC1, REC2, WARM, WILD
Groundwater Management Zone	
Elsinore	MUN, AGR, PROC
Definitions	
MUN	Municipal and Domestic Supply (MUN) waters are used for community, military, municipal or individual water supply systems. These uses may include, but are not limited to, drinking water supply.
AGR	Agricultural Supply (AGR) waters are used for farming, horticulture or ranching. These uses may include, but are not limited to, irrigation, stock watering, and support of vegetation for range grazing.
PROC	Industrial Process Supply (PROC) waters are used for industrial activities that depend primarily on water quality. These uses may include, but are not limited to, process water supply and all uses of water related to product manufacture or food preparation.
GWR	Groundwater Recharge (GWR) waters are used for natural or artificial recharge of groundwater for purposes that may include, but are not limited to, future extraction, maintaining water quality or halting saltwater intrusion into freshwater aquifers.
REC1	Water Contact Recreation (REC1) waters are used for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses may include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing and use of

	natural hot springs.
REC2	Non-contact Water Recreation (REC2) waters are used for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water would be reasonably possible. These uses may include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing and aesthetic enjoyment in conjunction with the above activities.
WARM	Warm Freshwater Habitat (WARM) waters support warm water ecosystems that may include, but are not limited to, preservation and enhancement of aquatic habitats, vegetation, fish and wildlife, including invertebrates.
WILD	Wildlife Habitat (WILD) waters support wildlife habitats that may include, but are not limited to, the preservation and enhancement of vegetation and prey species used by waterfowl and other wildlife.
Source: Santa Ana Region Basin Plan, Chapter 3, Table 3-1 (February 2016)	

26-3. The comment recommends that PA 6 be preserved as open space and used for low-impact uses such as walking paths. The comment also mentions that Board staff believes that the entire western half of the Project site could be planned to accommodate rising lake levels within a restored freshwater marsh. As noted above in response to comment 26-2, the Board staff's preference for Alternative 2 is noted. In response to this comment and the Center for Biological Diversity's comment 17-34, note that Figure 3-4 has been revised to include portions of the western shoreline/existing levee in Planning Areas 5 and 6 as Preservation/Mitigation areas. No further action is required in response to this comment.

26-4. This comment restates information from the project's EIR and Biological Technical Report related to the location of the 770 acres of open space that will be used to fulfill MSHCP conservation requirements in the ELSP project site. This comment does not relate to the content or adequacy of the EIR; therefore, no further response or action is necessary.

26-5. The comment's recognition of the ELSPA No. 11 expectation that the 770-acre objective for MSHCP conservation in the Back Basin will be achieved by the end of the project's Phase 1 is noted. In order to complete the 770-acre commitment to the MSHCP, Section 2.5.4.2 of the ELSPA No. 11 states that the City will require that all new development in the Back Basin preserve a certain percentage of its acreage in open space. Further details on this requirement are discussed in Section 2.5.4.2 of the ELSPA No. 11. Achievement of this objective is partially dependent on the pace and nature of development in the ELSP project site.

The comment acknowledges that the DEIR discloses permits that would be required for subsequent implementing development projects in the ELSP; however, the commenter states that Tables 12 through 26 of the Biological Technical Report and discussion "provide confusion" between impacts to Waters of the US, Waters of the State, and wetland/riparian/vernal pools above and below agreed elevations. The regulatory context for delineation of jurisdictional resources in the Back Basin is quite complex given multiple overlapping jurisdictions and previous agreements related to elevation-related jurisdiction within the ELSP site. However, the Tables, Figures, and narrative contained in the Biological Technical Report and Section 5.3 of the document provide a detailed assessment of existing jurisdictional resources as well as potential project impacts. No further response or edits are warranted to address this comment.

The comment states that given the substantial acreage of potential impacts to jurisdictional waters, a future interagency meeting where the total amount of impact acreage could be finalized. The comment also requests that the Final Environmental Impact Report (FEIR) present a single comprehensive mitigation solution for these future impacts. The comment is noted. The EIR's MM BIO-8 and MM BIO-9 (now reordered as MM BIO-9 and MM BIO-10, respectively) provide minimum ratios for temporary and permanent impacts to Waters of the US, Waters of the State, and Riparian-Riverine resources in the Project site, which may be used as a starting point in future coordination with resource agencies, including the Santa Ana Regional Water Quality Control Board. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

26-6. The comment notes that although the EIR considers both on- and off-site mitigation for jurisdictional waters impacts, Board staff prefer on-site mitigation. As described in the MM BIO-8 and MM BIO-9 in the EIR, on-site (within the Back Basin) and off-site mitigation, within the City of Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP, would be used as mitigation for impacts to jurisdictional waters. The Board staff's preference for on-site mitigation is noted. The final location of compensatory mitigation as well as the compensatory mitigation ratios will be based on each subsequent implementing development project's project-specific impacts during the regulatory permitting process. No further response or action is necessary.

The comment states that, as already described in the EIR, structural BMPs should capture and eliminate dry-weather flows to downstream receiving waters, while stormwater runoff should have pollutants minimized to the Maximum Extent Practicable. No further response or action is required.

26-7. The comment states that there appears to be confusion between compensatory mitigation requirements contained in the DEIR, including MM BIO-4 and MM BIO-8 (now reordered as MM BIO-9). MM BIO-4 relates to special status plant species, including MSHCP narrow endemic and criteria area species. However, MM BIO-4 does not apply to special status plant communities including the 6.08 acres of Southern Cottonwood Willow Riparian Forest sited in the commenter's example, which would be covered instead by BIO-8 (now reordered as MM BIO-9).

The comment also urges that a 3:1 on-site ratio be applied for all jurisdictional waters and MSHCP compliance for the Project, which Board staff believe would satisfy all permits and prior agreements while also maximizing beneficial uses. The mitigation ratios provided in mitigation measure MM BIO-8 (reordered as MM BIO-9) consider the unique circumstances of the Back Basin, where multiple agencies assume jurisdiction over the historic lakebed at elevations of 1,265 mean sea level (msl) (i.e. CDFW) and at 1,246 msl (i.e. USACE). This measure is intended to mitigate for impacts to vegetation communities within these unique historic lakebed elevations, not for impacts to special status plants covered under mitigation measure MM BIO-4. Although a 3:1 recommended ratio may be appropriate for impacts to surface expressions (i.e. drainage features), they may not be appropriate for impacts to historic lakebed elevations that lack waters-related characteristics such as areas with no bed, bank or ordinary high-water mark. Therefore, utilizing a standardized 3:1 ratio to cover all impacts may not adequately

account for the variety of jurisdictional waters potentially impacted on the Project site in terms of habitat type, value and disturbance level. For example, a narrow disturbed dry ephemeral drainage would have less value (and therefore require less mitigation) compared to a densely vegetated riparian woodland (where a 3:1 ratio may be appropriate), regardless of the impacted feature's location within the historic lakebed elevation. No further response or action is necessary per this comment.

Comment Letter 27 – Wildlife Agencies

U.S. Fish and Wildlife Service and California Department of Fish and Wildlife

Letter 27
Page 1 of 20

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In Reply Refer To:
FWS/CDFW-WRIV-07B0064-17CPA0148

June 6, 2017
Sent by email

Mr. Richard J. MacHott
Planning Manager
City of Lake Elsinore Planning Division
130 South Main Street
Lake Elsinore, CA 92530

Subject: Draft Environmental Impact Report for the East Lake Specific Plan Amendment #11 Project, City of Lake Elsinore, Riverside County, California. SCH #2016111029.

Dear Mr. MacHott:

The U. S. Fish and Wildlife Service (USFWS; Service) and the California Department of Fish and Wildlife (CDFW; Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the Draft Environmental Impact Report (DEIR) for the East Lake Specific Plan Amendment #11 Project (ELSP, SCH # 2016111029). The DEIR has been prepared to identify the proposed project's direct, indirect, and cumulative environmental impacts, to discuss alternatives, and to propose mitigation measures that avoid, minimize, or offset significant environmental impacts.

27-1 The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.). The Department is a trustee agency under the California Environmental Quality Act (CEQA) and is responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act, and administers the Natural Community Conservation Planning Program (NCCP). The Wildlife Agencies are providing the following comments as they relate to the project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the California Environmental Quality Act (CEQA).

27-2 The ELSP is the primary guide for development within the approximately 2,950 acre specific plan area; located in the City of Lake Elsinore on the southeasterly shore of Lake Elsinore within southwestern Riverside County. The proposed Project is generally bound by Lakeshore Drive to the north, Mission Trail and Corydon Road to the east, Union Street to the South, and Lake Elsinore to the north and northwest. The ELSP prescribes the types and arrangements of land uses designations, design guidelines, infrastructure, and zoning and development standards for the specific plan area. Ten amendments have been made to the ELSP since it was originally prepared in 1993.
The East Lake Specific Plan Amendment No. 11, changes some residential and open space uses to sports and recreation oriented uses. The proposed amendment includes development plans for a mix of sports and recreational uses, commercial uses, hotels, open space, residential, industrial, and accessory industrial uses, on-site infrastructure improvements, and offsite improvements related to connecting and/or upgrading offsite utility and roadway infrastructure.

27-2 cont.

ELSP Phase 1 includes the features expected to be completed within five years (July 1, 2022). These features include the extension of Malaga Road/Sylvester Street, Cereal Street and Lucerne Street into Planning Area 6, related infrastructure (water, sewer and dry utilities), improvements to the existing permeable earthen berm to make it impermeable for better hydrologic control of the Back Basin and Lake water levels, and to complete the conservation of 770 acres in the Back Basin. The berm modifications include reconstructing and repairing the existing berm along a portion of the northern and western boundary, installation of new low permeability(clay or soil cement) berms in several locations , revegetation along the berm, and localized areas of rip rap installation to prevent erosion of the berm. Phase 2 proposes the completion of all developments by 2040.

The Western Riverside County Multiple Species Habitat Conservation Plan and Stephens' Kangaroo Rat Habitat Conservation Plan

On June 22, 2004, the Service issued a section 10(a)(1)(B) permit for the MSHCP. The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. The Department also issued a Natural Community Conservation Plan Approval and Take Authorization for the MSHCP as per Section 2800, et seq., of the California Fish and Game Code. The City of Lake Elsinore is an MSHCP permittee.

27-3

The western portion of the proposed Project is also located within the plan area boundary of the Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County, California (March 1996; SKR HCP). Although the MSHCP covers SKR in a portion of its plan area, within the SKR HCP plan area, take of SKR is addressed under the SKR HCP. The City of Lake Elsinore is also an SKR HCP permittee.

One of the requirements of CEQA is that any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans, such as the MSHCP and the SKR HCP be addressed. The purpose of our comments is to address the biological analysis in the DEIR relative to CEQA and the analysis of the project impacts on MSHCP implementation.

COMMENTS AND RECOMMENDATIONS

27-4

The Wildlife Agencies acknowledge that the project is a specific plan and that additional environmental review may be forthcoming (on a project-by-project basis). However, we are concerned about the adequacy of the Project Description, including the Environmental Setting, the lack of biological survey data included in the DEIR, and the ability of the Lead Agency to adequately analyze the direct, indirect, and cumulative impacts of the project, based on this information. The Wildlife Agencies are also unclear on the threshold that will be relied on for requiring additional environmental review (for example subsequent DEIRs, MNDs) for each phase of the project. We expect that the forthcoming environmental reviews and associated effects analyses will be based on the results of onsite biological field surveys. However, if the threshold for triggering additional environmental review is high, or if additional environmental reviewed is not anticipated, we request that that the City recirculate this DEIR and include the results of *current* surveys for biological resources; clearly describe the current Environmental Setting (specifically all of the mitigation

27-4 cont. obligations associated with the Back Basin area); and complete a thorough analysis of project-related impacts to both sensitive species and to onsite mitigation lands. Note that the DEIR should contain *sufficient, specific, and current* biological information on the existing habitat and species at the project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions.

The Wildlife Agencies comments and recommendations on the DEIR include:

Environmental Setting

27-5 Numerous approved projects have earmarked acreage within the Back Basin of Lake Elsinore as compensatory mitigation to offset project-related impacts to species and habitat. Compensatory mitigation within this area has included fee title land acquisition and/or the recordation of conservation easements for the long-term protection of fish and wildlife resources and associated habitats. Tables 12-15 and 17-26 refer to compensatory mitigation for mitigation areas, and the DEIR directly states, "any direct impacts to existing mitigation areas due to development of the ELSP Area and the Infrastructure Improvements would be considered less than significant if in kind replacement within the Back Basin occurs." Given that lands within the project area have been committed as mitigation for previous projects, we are concerned that the DEIR fails to clearly identify and disclose the location of each of these areas, or describe how the current project may potentially impact these areas. For example, Table 5.3-4 of the DEIR indicates that 33.02 acres of mitigation areas will be impacted in the infrastructure improvement areas but it is unclear where these areas are located or how the 33.02 acres will be affected.

27-6 Specific information identifying each affected mitigation area and describing how it will be impacted should have been included in the DEIR since these areas are fundamental to the environmental setting of the project (CEQA Guidelines § 15125). Further, potential project-related impacts to these areas should have been considered and discussed in the environmental impacts section of the DEIR (CEQA Guidelines § 15126), and where appropriate, when considering and discussing the significant environmental impacts of the proposed project (CEQA Guidelines § 15126.2). Because the DEIR fails to fully describe each of these areas, the Wildlife Agencies are unclear how the City of Lake Elsinore could have completed an adequate and appropriate analysis of the potential environmental impacts of the project to each of these locations. Given that the DEIR lacks this information, the Wildlife Agencies are unable to assess the adequacy of the City's analysis of potential impacts to these areas and their associated species and habitats. Because a thorough description of the compensatory mitigation lands is paramount to the environmental setting of the project and forms the foundation from which project impacts are assessed, the Wildlife Agencies recommend that the DEIR be revised and recirculated to include this information, or that this information be fully disclosed in the Final EIR (FEIR).

27-7 In particular, the Wildlife Agencies recommend that the recirculated DEIR (RDEIR) or FEIR identify all existing mitigation commitments, any outstanding commitments such as restoration and/or the recording of conservation easements, and provide clear details and analysis describing how the project may affect each of these areas. The DEIR does identify that mitigation lands will be impacted by the specific plan but the Wildlife Agencies are unable to discern the location of the

27-7 cont. affected conservation sites, the degree of impact to each, or the responsible project or specific plan element.

Existing Mitigation Commitments

Back Basin 770-Acres Agreement

27-8 The 770-acre Agreement is an agreement between the City of Lake Elsinore and the Wildlife Agencies that there will 770 acres of habitat conservation in the back basin area that will contribute to MSHCP reserve assembly. The DEIR provides brief background information on the Back Basin 770-acre agreement. There is additional information regarding the 770-acre Agreement that was not included in the DEIR which is relevant and pertinent to the analysis of the lands that can contribute to the final mitigation configuration. The Department sent a letter to the City of Lake Elsinore in 2013 detailing the Department's understanding regarding conservation in Lake Elsinore Back Basin to meet the requirements of the MSHCP (see enclosures). The letter included enclosures with a map of identified conservation areas in the Back Basin and a history of the Back Basin. As discussed in the letter, 703.16 acres of conserved lands, mitigation land, or lands currently under City ownership were identified that could contribute toward the goal of 770 acres of conservation. The letter requested that the City of Lake Elsinore work with the Wildlife Agencies and the RCA to review the identified parcels that could contribute to the conservation objective and identify the remaining parcels to finalize the 770-acre Agreement. The mitigation requirements (restoration and/or recording of easements) stipulated that the associated permits need to be implemented before these lands can be counted toward the conservation goal.

27-9 The characterization in the DEIR that the only requirement for the 770 acres is to meet an acreage goal is an over simplification. As described in the Department's 2013 letter, areas included in the 770 acres of conservation should include areas that were identified for Reserve Assembly as described in the MSHCP (based on the written cell criteria) and/or provide connectivity to lands that are conserved and/or proposed for conservation. The conservation should target lands that benefit shorebirds or wetland/marsh associated species, vernal pool species, sensitive plant species, and/or Planning Species for Subunit 3 and Proposed Extension of Existing Core 3, as described in the MSHCP. All lands should be managed consistent with the MSHCP and protected, in perpetuity.

27-10 The DEIR and the Department's 2013 letter identify some of the same properties that could contribute to the 770 acres, such as the 356-acre wetland, the 33-acre Austrailia Vernal Pool site, the 25-acre historic San Jacinto river channel, and the 71-acre buffer area (see enclosures for more details). However, there were differences in other area that might potentially contribute, such as the 10-acre Laing/Summerly property, the 11.66-acre Tract 30846 mitigation area, and the 53.5 acre borrow site (5.75 acres was committed by the City for the Lake Elsinore Boat Ramp in Agreement No. 1600-2007-0216-R6). These locations were identified by the Department in its 2013 letter, but were not included in the DEIR. The DEIR identifies alternative properties such as the 35-acre T-area that have unknown resource values and need to be reviewed to determine if they are appropriate for inclusion in the 770 acres.

27-11 The DEIR identifies that "all future implementing development projects within the Project site would ensure consistency with the MSHCP by obtaining a consistency determination and any other

27-11 cont. additional approvals required by the MSHCP, including processes such as the City's implementation of the HANS (Habitat Evaluation and Acquisition Negotiation Strategy) process known as the LEAP process, when appropriate." To ensure transparency for the public the Wildlife Agencies recommend that the RDEIR/FEIR be more specific and include the plan-wide requirements that are applicable such as: Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4).

27-12 In order to meet the goal of 770 acres the DEIR states that "the City will require that all new development in the Back Basin preserve a certain percentage of its acreage in open space. This open space area may include any lost storage volume areas required to flood protect a parcel and/or may require an open space set aside for those projects that do not require flood protection."(Section 2.5.4.2, ELSP). The Wildlife Agencies are concerned that use of lost storage volume areas dispersed across project sites as contribution towards the 770 acre goal will result in piecemeal conservation that does not have the MSHCP resource values and/or connectivity to the adjacent mitigation areas. The areas that are to contribute to the 770 acres should support the appropriate resources and be evaluated for connectivity to existing conservation areas. We request a meeting with the City, Wildlife Agencies and the RCA to discuss the proposed additions of the mitigation lands to meet the 770 Back Basin acreage goals.

27-13 The Draft ELSP identifies the establishment of an endowment for management of open space areas for woody invasive species removal in perpetuity (Section 2.5.4.2, ELSP). The Wildlife Agencies are concerned that an endowment for woody species removal will be inadequate to manage the open space and to maintain the resource values in perpetuity. Additional management actions such as controlling access through signage, fencing, and/or enforcement; removal of invasive species; maintenance of facilities; trash pickup, etc., will be needed to manage the conservation properties. To effectively manage the open space for long-term conservation goals a management plan should be developed which would help inform the endowment needs based on the identified management activities. The endowment should be determined by a Property Analysis Record (PAR) or equivalent financial analysis for determining annual management costs.

Project Consistency with the MSHCP

Roads (MSHCP Section 7.3.5)

27-14 The Transportation Section of the DEIR, Section 5.14, should have included (in the local regulatory framework subsection) a description of the MSHCP covered roads, requirements and siting of roads in Criteria Areas, and other measures such as wildlife crossings. Roadways identified in Section 7.3.5 of the MSHCP and on Figure 7-1 are Covered Activities within the Criteria Area. Roadways other than those identified in this section are not covered by the MSHCP without an amendment to the MSHCP in accordance with the procedures described in Section 6.10 of the MSHCP. Seven types of roadways are identified in the MSHCP: expressways (184' ROW), urban arterials (152' ROW),

arterials (128' ROW), major roads (118' ROW), mountain arterials (110' ROW), secondary roads (100' ROW) and collector roads (74' ROW).

Infrastructure improvements identified in the DEIR include the improvement and development of Cereal Street, Lucerne Street, and Malaga Road. Cereal Street would connect into Lucerne on the northern edge of the project area. The only covered road identified in the MSHCP for the Back Basin is Cereal Street, which is described as a collector road in MSHCP Figure 7-1. The width of Cereal Street is described in the Biological Resources report as being widened by 80 feet on both sides of the existing centerline, including, a 100-foot ROW needed for a Four-Lane Major Highway and an additional 30 feet in each direction for temporary impacts. This proposed width exceeds the described maximum width of 74 feet identified in Figure 7-1 of the MSHCP.

27-14 cont.

The DEIR identifies portions of Malaga Road and Sylvester Street extending into the Criteria Area. Expanded portions of Malaga Road/Sylvester Street are not identified as covered roads on Figure 7-1, and are therefore not MSHCP covered activities. Extending these roads into the Criteria Area would require a major amendment to the MSHCP (refer to Section 6.10.3 of the MSHCP).

The DEIR relies on MSHCP consistency to address impacts to sensitive resources from the buildout of the ELSP, therefore it is necessary that the DEIR reconcile the discrepancy between the proposed road elements in the ELSP with the covered activities in the MSHCP in order to demonstrate consistency with the MSHCP. The Wildlife Agencies recommend modifying the proposed roads and widths to be consistent with the covered roads elements in Figure 7-1 of the MSHCP in order to achieve with the MSHCP.

Design and siting of planned roads in the Criteria Area must follow the guidelines detailed in Section 7.5 of the MSHCP. This includes locating roads in the least environmentally sensitive location, avoiding (whenever feasible) impacts to sensitive species, and avoiding impacts to narrow and endemic plant species. The Wildlife Agencies are concerned about the impact of the currently proposed roadway alignments on the conservation areas. The appropriate biological surveys are needed to fully assess the impacts of the proposed roadways to the Criteria Area. At this time, insufficient information is provided to determine the significance of these impacts. Please include in the RDEIR/FEIR a discussion of MSHCP road requirements, identification of the MSHCP Covered Roads in the ELSP, a description of how the circulation portion of the ELSP will comply with MSHCP roads requirements and a commitment to meeting the wildlife connectivity and the other MSHCP covered road requirements.

MSHCP Special Status Plant Species

The Project area is in the MSHCP Narrow Endemic Plant Species Survey Area 2 and in the Criteria Area Species Survey Area 2 (MM BIO-4; DEIR Section 5.3.9.2). However, despite the identification of suitable vegetation and/or soils, focused botanical surveys of the specific plan area were not carried out. Instead, the DEIR concludes that future project by project consistency with the MSHCP will provide adequate coverage. Each project will need to complete the appropriate surveys and if sensitive plants are identified onsite and cannot be avoided, a mitigation strategy will need to be developed. Without the results of focused surveys and information on mitigation strategies as appropriate, the Wildlife Agencies cannot evaluate if proposed projects are consistent with MSHCP

27-15

27-15 cont. special status plants requirements. Additionally, special status distribution, impact and mitigation information is necessary to assess the level of impacts to sensitive plant species under CEQA. The statement that sufficient information has been provided in the DEIR to determine if impacts have been minimized to less than significant is unsupported.

27-16 Mitigation measure MM BIO-4 (Section 5.3.9.2) currently states that "if impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.)." However, this is an incorrect description of the MSHCP requirements. Per the MSHCP, if 90% of the area with long term conservation value for the focus species on the project site can be avoided, then mitigation is not required. If a project proposes impacts to more than 10% of the area with long term conservation value to the focus species onsite is not avoided, then mitigation is required for all of the impacts, not only 90% of the impacts. Furthermore, the mitigation measure states that "Surveys for Narrow Endemic and Criteria Area Plant species will occur during the appropriate season within the Infrastructure Improvement Areas." This is also not consistent with MSHCP requirements. Per the MSHCP requirements, these surveys must be conducted wherever potentially suitable habitat occurs inside the Narrow Endemic Plant Species Survey Areas and the Criteria Area Plant Species Survey Areas.

To ensure compliance with the MSHCP the Wildlife Agencies recommend that the City revise Mitigation Measure (MM) BIO-4 and include the following revision of the measure in the RDEIR/FEIR (edits are in **bold** and ~~strikethrough~~):

MM BIO-4 **Every proposed project within the ELSP will adhere to the MSHCP special status plant species requirements, which include the Narrow Endemic and Criteria Area Plant surveys (NEPSSA and CAPSSA respectively). All surveys will be performed during the time of year specified in the MSHCP. Per the MSHCP, either Equivalency Findings or a Determination of Biologically Equivalent or Superior Preservation (DBESP) will be prepared for each project on which a NEPSSA or CAPSSA species is found during surveys. If 90% of the area with long term conservation value to the NEPSSA or CAPSSA plant species on the project site can be avoided then an Equivalency Finding will be made. If impacts to more than 10% of the area with conservation value to the plant species is not avoided, then a DBESP will be prepared and provided to the Wildlife Agencies for review and approval.** ~~Mitigation for impacts to special status plant species caused by development within the Project site will be achieved through compliance with MSHCP requirements. Each development will go through the MSHCP approval process (including required Narrow Endemic and Criteria Area Plant surveys). If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.).~~

27-16 cont.

~~Surveys for Narrow Endemic and Criteria Area Plant species will occur during the appropriate season within the Infrastructure Improvement Areas. If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.) Translocation may occur in preserved open spaces areas.~~

27-17

Whenever projects propose impacts to more than 10% of the area with long term conservation value to the NEPSSA or CAPSSA plant population(s) onsite, the Wildlife Agencies recommend that the City include the following new mitigation measure to permanently protect and maintain conservation sites established to offset project impacts to special-status plant species:

MM BIO-A Whenever more than 10% of the area with long term conservation value is affected by project activities and the DBESP has been prepared and approved, if the mitigation strategy includes translocation and or seed collection with propagation to an on-site or off-site preserved property, the receiving property must be acceptable to the City and Wildlife Agencies. The property shall be provide habitat characteristics suitable to support the plant species, including but not limited to: appropriate soils, elevation, hydrology and vegetation community. The property shall be conserved via recordation of a conservation easement or deed restriction in favor of a CDFW-due diligence approved local conservation entity to protect sensitive plant species on the property in perpetuity. Alternatively, the land may be transferred in fee title to a CDFW-approved local conservation entity. A management fund shall be established by the Applicant and will consist of an interest-bearing account with the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the conservation area(s), including but not limited to, reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, long-term management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted by the Applicant and approved by the City to determine the management needs and costs described above, which then will be used to calculate the capital needed for the management of the fund. This management fund shall be held and managed by a CDFW-approved local conservation entity. To protect the mitigation area(s), the Applicant shall place appropriate fencing and/or natural barriers and signage around the perimeter of each site. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s), and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.

Prior to any ground disturbance, the Applicant shall prepare a Planting Plan (Plan) for sensitive plant species. The Plan shall require a replacement ratio of 1:1 by area, and ensure a minimum 90 percent survivorship at the end of a five-year monitoring period, which shall be verified by the monitoring biologist (minimum qualifications of the monitoring biologist are specified below). At a minimum, the five-year plan shall include the following information:

27-17 cont.

a. A description of the existing conditions of the receiver site(s), characterizing the suitability of the site(s) for the plant, and documenting the acreage of the site.
b. A description of how the site will be preserved in perpetuity, e.g., conservation easement, deed restriction, etc., and the name of the CDFW-approved due diligence entity that will hold the easement/deed restriction, etc.
c. Qualifications of the monitoring biologist: At a minimum, the monitoring biologist will possess a minimum of five-year's experience conducting habitat restoration projects in coastal sage scrub and/or chaparral habitat in Riverside County, California.
d. Receiver site preparation for transplanting.
e. Goals for success.
f. Schedule.
g. Propagation techniques.
h. Transplant and seedling installation methods.
i. Plant spacing.
j. Performance criteria for success, including provision for control of non-native and invasive species.
k. Monitoring and reporting procedures for each of the five years of the monitoring period.
l. Adaptive management strategies, including a contingency plan should the site fail to meet the specified success criteria.
m. Maintenance requirements that will be reviewed and approved by the City. The Plan shall also ensure a mixture of both male and female plants (where appropriate).

Burrowing Owls

27-18

Section 5.3.4 of the Biological Resource Report includes the observation of two western burrowing owls (*Athene cunicularia hypugaea*, BUOW) during the December 8th and 14th, 2016 habitat assessment surveys. The number of burrowing owls occupying the site may change over time as local populations and environmental conditions fluctuate. Given the phased development timing of the project and the fluctuating nature of burrowing owl populations, the RDEIR/FEIR should acknowledge and recognize that the proposed mitigation measures may be required for more (or less) than one burrowing owl pair.

Given the phased development approach and ecology of BUOW the Wildlife Agencies recommend that the City revise bullet points 2 and 3 of MM BIO-7 and include the following revised measure in

Mr. Richard MacHott (FWS/CDFW-WRIV-07B0064-17CPA0148) 10

the RDEIR/FEIR (edits are in **bold** and ~~strikethrough~~):

MM BIO-7 Pre-construction presence/absence surveys for burrowing owls within the Project site (wherever suitable habitat is present) shall be conducted by a qualified biologist within 30 days prior to the commencement of ground disturbing activities **pursuant to Department and MSHCP protocols (Section 6.3.2 of the MSHCP, *Additional Survey Needs and Procedures*).**

~~If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum 300 feet) of any active burrow will be halted until that nesting effort is finished. The on-site biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.~~

27-18 cont.

If BOUW are found onsite, the Lead Agency shall notify the Wildlife Agencies and the Western Riverside County Regional Conservation Authority (RCA) to develop a conservation strategy including a Burrowing Owl Relocation Plan. If active burrowing owl burrows are detected during the breeding season, the qualified biologist will establish an appropriate buffer (typically a minimum 300 feet) and all work will be halted within the buffer until the biologist observed that nesting efforts have finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.

If active burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun, then passive and/or active relocation may be approved following consultation with the City of Lake Elsinore, the Wildlife Agencies, and RCA. Passive relocation, the installation of one-way doors, is not recommended unless suitable burrows are available within 100 meters of the closed burrows (Trulio 1995, CDFG 2012) and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City, the Wildlife Agencies, and RCA for mitigation monitoring compliance record keeping.

In addition, we recommend that if burrowing owls are detected on the project site, A Burrowing Owl Relocation Plan with approval from the two Wildlife Agencies and the RCA.

27-19 Please note that CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. Deferral may be permissible, but an agency must commit itself to mitigation and either adopt a performance standard on which future

27-19 cont. approvals are contingent or consider and analyze specific alternatives (Endangered Habitat League, Inc. v. County of Orange (2005) 131 Cal. App. 4th 777.). Courts have rejected the conclusion that impacts are not significant when the success of mitigation is uncertain or when the development and implementation of concrete mitigation measures would happen after project approval (Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d. 296.). The Court of Appeal in San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645 struck down mitigation measures which depended for their success on the development of management plans in consultation with State and Federal wildlife agencies after Project approval. Even if an impact is determined to be significant, it must be accompanied by an analysis of the impact (Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs. (2001) 91 Cal.App.4th 1344.).

Nesting and Migratory Birds

27-20 Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). In addition, sections 3503, 3503.5, and 3513 of the California Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that is it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory non-game bird, except as provided by rules and regulations adopted by the Secretary of the Interior under the provisions of the MBTA.

27-21 The Biology Resources chapter (Section 5.3) of the DEIR, acknowledges that the "project site contains breeding, nesting and roosting habitat for bird species, in both vegetation and structures. Given the potential for nesting birds throughout the Project site and proposed clearing, grubbing, and other activities proposed, which would disturb nesting activities, potentially significant impacts to nesting birds in the Project site as a result of future implementing development projects would occur." However, Impact BIO-4 concludes that the "Construction of future implementing development projects including clearing, grubbing, and demolition activities would result <u>in less than significant impacts</u> to western snowy plover and other nesting birds in the Project site." Impact BIO-4 is inconsistent with the described impacts and should be revised in RDEIR/FEIR to reflect that significant impacts may occur to nesting birds.

27-22 Mitigation Measure BIO-7 (DEIR Section 5.3.9.3) states that the removal of potential nesting bird habitat will be conducted outside of the nesting season (February 1 to August 31) to the extent feasible. If grading or site disturbance is to occur between February 1 and August 31, a nesting bird survey shall be conducted by a qualified biologist no more than 72 hours prior to vegetation removal. Please note that some bird species (e.g., raptors) may commence nesting as early as January 1, and passerine species may fledge later than September 1. Therefore, the Wildlife Agencies recommend that MM BIO-7 be revised to require surveys within 72 hours prior to vegetation removal and other ground-disturbing activities, and that surveys include areas containing both vegetated and non-

vegetated areas, as some species may nest directly on the ground. Further, the Wildlife Agencies recommend the surveys include an assessment of nesting in both native and non-native vegetation. Non-native vegetation (e.g., eucalyptus trees) often provide significant nesting resources for native birds protected by the MBTA and the Fish and Game Code.

To ensure compliance with all applicable laws related to nesting birds and birds of prey, the Wildlife Agencies recommend that the City revise bullet point 1 of MM BIO-7 and include the following revised measure in the RDEIR/FEIR (edits are in bold and ~~strikethrough~~):

MM BIO-7 **Prior to the commencement of project-related activities (including all ground-disturbing activities)** ~~The removal of potential nesting bird habitat will be conducted outside of the nesting season (February 1 to August 31) to the extent feasible. If grading or site disturbance is to occur between February 1 and August 31,~~ a nesting bird survey shall be conducted by a qualified **avian** biologist within no more than 72 hours of ~~scheduled~~ **ground disturbance activities** ~~vegetation removal~~, to determine ~~the presence of~~ **if active bird** nests or nesting birds **are present**.

27-22 cont.

If active nests are identified, the **avian** biologist will establish appropriate buffers around the **nest** ~~vegetation~~ (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers will be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The on-site **avian** biologist will review and verify compliance with these nesting boundaries and will verify the nesting effort has finished. Work can resume within the buffer area when no other active nests are found. Alternatively, **the qualified avian biologist may determine alternate appropriate buffer distances by referencing current species-specific standards, and taking into account the conservation status of the species, species-specific biology, and the nature of the planned disturbance (e.g., driving past a nest versus extensive grading).** ~~a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.).~~ **In either case, the qualified avian biologist shall develop a monitoring plan to ensure that the project complies with all rules and regulations pertaining to nesting birds**. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping. If vegetation clearing is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.

Riparian/Riverine Resources

27-23

Some or all of the mapped features onsite may qualify as MSHCP riparian, riverine, or vernal pool resources as described in the MSHCP, Volume 1, Section 6.1.2 (Protection of Riparian/Riverine Areas and Vernal Pools). The Wildlife Agencies request that the FSEIR/RDEIR clearly describe the process for delineating the riparian/riverine resources in the ELSP area, the specific impacts to those resources, and measures to mitigate those impacts. The MSCHP requires the preparation of a DBESP

27-23 cont.

if impacts to riparian/riverine and vernal pool resources are not avoided. The DBESP is reviewed by the Wildlife Agencies. It should include a clear description of the delineation methodology as it relates to MSHCP Riparian/Riverine/Vernal Pool resources, and provide an analysis of project impacts to those resources and a mitigation strategy that is biologically equivalent or superior to avoidance of those resources. We recommend that the Project Applicant coordinate with the Wildlife Agencies to identify the presence/absence and the extent of any MSHCP riparian/riverine/vernal pool features onsite and discuss mitigation strategies when they cannot be avoided. Please also note that avoided Riparian/Riverine areas are to be protected to ensure long-term conservation value, in accordance with Section 6.1.2 of the MSHCP. Section 6.1.2 of the MSHCP states that "If an avoidance alternative is selected, measures shall be incorporated into the project design to ensure the long-term conservation of the areas to be avoided, and associated functions and values, through the use of deed restrictions, a conservation easement, or other appropriate mechanisms."
Please note that the MSHCP consistency review process is not be complete until any comments the Wildlife Agencies have on a DBESP have been addressed.

27-24

Mitigation Measure BIO-8 describes mitigation for impacts to waters of the State and Riparian/Riverine resources. Compensatory mitigation for impacts to waters of the State are recommended at a minimum 1:1 ratio and impacts to wetland and riparian waters are recommended at a minimum 2:1 ratio. Please note that due to potential factors such as net loss of habitat, uncertainty of mitigation success, distance between the impacted area and the mitigation site, differences in habitat type between the impacted area and the mitigation site, and temporal lag between impacts and establishment of replacement habitat, a 1:1 mitigation ratio is unlikely to be sufficient to reduce the project impacts to a less than significant effect. A 1:1 ratio results in a 50 percent loss of the resource under consideration. While the Wildlife Agencies are unable to recommend a specific ratio without knowing the location and type of mitigation proposed, it is likely that providing sufficient mitigation for the proposed impacts will be costly, and locating in-kind mitigation opportunities may be difficult. Therefore, the Wildlife Agencies encourage the City and the Project Proponent to designs projects to avoid waters of the State, water if the U.S., and Riparian/Riverine/Vernal Pool areas to the greatest possible extent.

27-25

Prior to the finalization of a DBESP for Riparian/Riverine/Vernal Pool resources we suggest that project proponents attend an MSHCP Pre-application meeting to facilitate coordinated mitigation among the Army Corps of Engineers, Regional Water Quality Control Board, Department, and Service for project impacts to jurisdictional waters and MSHCP Riparian/Riverine features. Laurie Correa of the RCA should be contacted regarding scheduling and attendance at the pre application meetings.

Guidelines Pertaining to the Urban/Wildlands Interface (Section 6.1.4)

Fuel Management

27-26

Increased human presence brings a risk of increased fire hazards. The DEIR identifies fuel management to protect development areas, but does not analyze the long-term cumulative effects to sensitive species and resources from a human-caused increase in fire frequency. In addition, the RDEIR/FEIR should clearly specify that fuel management cannot occur in conservation areas and must be contained within the development footprint.

Sensitive Species Impacts from the future ELSP Domestic Cat Population

The Wildlife Agencies are very concerned that post-buildout domestic cat predation inside ELSP conservation areas could severely diminish the local populations of various bird, reptile, and small mammal species covered by the MSHCP (e.g., Bell's sage sparrow, rufous-crowned sparrows, granite spiny lizards, pocket mice, etc.). We request that the RDEIR/FDEIR include a mitigation measure to create cat-proof barriers along the interface between the Project and the proposed conservation areas. The types of barriers to be used should be identified and illustrated and should include one or more maps of the conservation areas indicating the general placement of the cat-proof barriers.

27-27 MM BIO-B To reduce the impact of domestic cats on special status species in the conservation areas cat-proof barriers shall be erected between development and any conservation area. The barrier should consist of 8- foot tall fencing made of secure and fire-proof materials (such as brick, stone or metal) placed along the entire boundary adjacent to the conservation areas to prohibit movement of people and pets from residential and recreational areas into the conservation area. The top of all walls and fences should be designed to prevent animals from entering conservation areas using systems such as a roller bars, oscillots, angled fence tops, or other effective fence designs to keep out pets, especially cats. No section of the fence should include clear panels or sections such as glass or plastic as these are a hazard to birds, which fly into them and die. This type of fencing would also prevent residents from creating openings and unauthorized access through the walls into the conservation areas.

Light/Noise

27-28 The Noise Chapter (Chapter 5.10, DEIR) does not address noise impacts of the projects on existing or future conservation areas in and adjacent to the ELSP. Under the regulatory setting subsection for noise and light, there should have been a discussion of MSHCP requirements for the Urban/Wildlands Interface (MSHCP, § 6.1.4). Proposed noise-generating land uses affecting the MSHCP Conservation Area should incorporate measures such as setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards. We also could not find a discussion of impacts to wildlife and conservation from lighting in the DEIR. The RDEIR/FIER should in an analysis of potential lighting and noise impacts from the ESLP projects on conservation areas. MSHCP requirements the for Urban/Wildlands Interface (MSHCP, § 6.1.4) should be included as a local regulatory requirement.

27-29 Much of the Back Basin is currently undeveloped and not lit at night. Even shielded light will produce a glow, and with a sufficient number of lights may increase the overall quantity of ambient light in the area at night. Species may be subject to increased predation from diurnal predators foraging for longer periods with light from adjacent development and increase visual acuity by nocturnal predators. The DEIR failed to identify species that may be more vulnerable to increased predation from increased visibility and other impacts of adjacent nighttime lighting in the ELSP.

27-29 cont. Mitigation measures should be developed and included in the RDEIR/FEIR to address lighting and noise effects. Measures to direct night lighting away from Conservation Areas to protect species within the conservation area should be included, where appropriate, such as: directing night lighting away from conservation areas; shielding of lights to ensure ambient lighting in the conservation areas is not increased; use of amber lights; the use of motion sensors and other controls, especially for security lighting, so that lights operate only when the area is occupied bypeople; surface treatment specifications that minimize glare and sky glow; and always-on security lighting be limited to one low-wattage, fully shielded, full cutoff light fixture at the main entrance to facilities.

Additional Wildlife Agency Concerns

Jurisdictional Waters

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

27-30 Based on a review of Figure 5.3.4 of the DEIR the Department is concerned that the DEIR may not have appropriately mapped all areas subject to section 1602 of the Fish and Game Code. Furthermore, because the DEIR does not include final grading plans or final construction design plans, the Department recommends that the City include a new mitigation measure conditioning the Project Applicant to submit to the Department a Notification of Lake or Streambed Alteration, or receive concurrence that a Notification of Lake or Streambed Alteration is not required. Specifically, the Department requests that the City condition the inclusion of the following new mitigation measure in the RDEIR/FEIR:

MM BIO-C Prior to issuance of any grading permit Project Applicant shall provide to the City of Lake Elsinore either of the following:

> Written correspondence from the California Department of Fish and Wildlife stating that notification under Section 1602 of the California Fish and Game Code is not required for the project; or a copy of a Department-executed Lake or Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code, section 1602 resources associated with the project.

Coordination of Regulatory Actions and Permits

27-31 Under the Federal Clean Water Act (CWA) Section 303(d), an action plan referred to as Total Maximum Daily Loads (TMDLs), was developed to improve lake water quality. Lake Elsinore (the water body) is currently impaired for Organic Enrichment/Low Dissolved Oxygen, Polychlorinated

27-31 cont. biphenyls (PCBs), Sediment Toxicity and Unknown Toxicity. Of primary importance is the coordination of the TMDLs to maximize enhancements to water quality and habitat with the other permits within theMSHCP area. These include the CWA Section 401 certification or waiver, CWA Section 402 National Pollutant Discharge Elimination System (NPDES), CWA Section 404 Permit, and the Municipal Separate Storm Sewer System Permit (MS4). We the City take measures to coordinate all of the permits and mitigation strategies for activities and construction that discharge into the Lake.

Impacts to Species Not Adequately Conserved under the MSHCP

27-32 The DEIR's Biological Resources Assessment lists several special-status species that occur, or have the potential to occur, on the project site, and are not covered by the MSHCP. Section 15380 of the CEQA Guidelines indicates that State Species of Special Concern, plant species ranked as rare and endangered by the California Native Plant Society (CNPS), and other sensitive and special status species should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein. Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to sensitive species. Project-level impacts to listed (rare, threatened, or endangered) species are generally considered significant thus requiring lead agencies to prepare an Environmental Impact Report to fully analyze and evaluate the impacts. In assigning "impact significance" to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

The DEIR lists three California wildlife Species of Special Concern that are not MSHCP covered species: American white pelican (*Pelecanus erythrorhynchos*: State species of special concern), coast patch-nosed snake (*Salvadora hexalepis virgultea*; State species of special concern), and two-striped garter snake (*Thamnophis hammondii*; Forest Service sensitive/ State species of special concern). Further, because sensitive plant surveys have not been completed across the project site, the DEIR lacks information on the presence of these species. The aforementioned wildlife species have been ranked as S3, S2, or S1 ("vulnerable to extirpation", "very vulnerable to extirpation", or "especially vulnerable to extirpation") by the State, and the Wildlife Agencies are concerned that the project has the potential to impact sensitive plant species designated as either 1B.2, 2B.2, 3.2, 4.2 by the CNPS.

27-33 Given the habitat requirements of the aforementioned wildlife species, the Wildlife Agencies disagree with the Lead Agency's assertion that the mere implementation of the MSHCP will provide sufficient offsets for potential project-related impacts to the coast patch-nosed snake. An analysis of coast-patch snake habitat needs was not done when developing the MSHCP and therefore the MSHCP was not designed to provide suitable habitat for the coast patch-nosed snake. Further, as systematic sensitive plant species surveys have not been completed, it is unknown if the project will appropriately mitigate impacts to non-MSHCP-listed sensitive plant species. Because of limited information available in the DEIR, the Wildlife Agencies recommend that the City condition the inclusion of the following new mitigation measure to offset project impacts should non-MSHCP-listed sensitive species be detected onsite:

MM BIO-D Prior to issuance of any grading permit, project applicant shall complete systematic wildlife and sensitive plant surveys to document species occurrence. For sensitive

27-33 cont. species detected onsite, but not covered by the MSHCP, project specific mitigation measures will be included in future specific plan approvals to offset impacts. These measures shall include the preservation appropriate natural open space areas in perpetuity via a conservation easement and provision of a non-wasting endowment to fund the long term management by a CDFW-approved local conservation entity. Preservation of open space shall occur at a minimum 1:1 ratio.

Mitigation Ratios

27-34 Section 5.3.9 of the DIER states: "mitigation would match impacts. If the applicant/developer wishes to mitigate at a higher level, for example, riparian vegetation for Saltgrass Ruderal, a lower mitigation ratio may be acceptable, in consultation with CDFW." We agree that mitigation should be proportional to impacts, but the inclusion of unusually low mitigation ratios may encourage unrealistic expectations in future project applicants. Each project will be evaluated individually and the proposed mitigation evaluated to ensure that the mitigation meets the appropriate regulatory standards. The Wildlife Agencies recommend that the proposed mitigation ratios be clearly identified as a suggested ratio or eliminated completely.

27-35 We suggest that each project proponent attend a pre-application meeting to facilitate coordinated mitigation among the Army Corps of Engineers, Regional Water Quality Control Board, Department, and Service for project impacts to jurisdictional waters and MSHCP Riparian/Riverine features. Please contact Laurie Correa of the RCA if you would like to get onto the docket for this meeting.

Summary of Recommendations

27-36 1) Please identify all current mitigation commitments and existing conservation land in the ELSP area and provide the Wildlife Agencies with this information. A strategy and or schedule for resolving outstanding mitigation obligations (e.g. restoration and/or to record conservation easements)should also be provided.

27-37 2) Areas considered for addition to the Back Basin 770-acre Agreement should be biologically meaningful and contribute to resource protection in the Back Basin. The Wildlife agencies would like the opportunity to assist the City in finding biologically meaningful conservation sites.

27-38 3) We recommend an Open-Space management plan be drafted and reviewed by the Wildlife Agencies to effectively manage the long-term conservation goals of the 770-acre agreement parcels.

27-39 4) The City needs to provide an evaluation of the biological relevancy of the 35-acre T-area set for inclusion in the Back Basin 770-acre Agreement. It is our understanding that this area is actively used for ongoing operations.

27-40 5) For the benefit of proposed future development project in the area, the RDEIR/FEIR should be specific and include the Plan Wide MSHCP Requirements that are applicable

27-40 cont. such as: Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4).

27-41 6) We request revisions to MM BIO-4 and MM BIO-7 as provided above.

27-42 7) The RDEIR/FEIR should clearly describe the process for delineating each constituent project's MSHCP Riparian/Riverine Resources and Vernal Pool Resources, the specific impacts to those resources, measures to mitigate those impacts, and, if required by MSHCP standards, the completion of the corresponding DBESP to compensate for impacts to MSHCP Riparian/Riverine Resources and Vernal Pool Resources.

27-43 8) MSHCP Section 7.3.5 (Planned Roads within the Criteria Area) describes and identifies the planned roadways which have been evaluated with respect to the conservation of biological resources throughout the MSHCP planning process. As a result, only those planned roadways identified in this section are Covered Activities within the Criteria Area. Roadways other than those identified in this section are not covered without an amendment to the MSHCP. The following planned roadways are not included in the MSHCP as described in the DEIR.

a. The width of Cereal Street will exceed the maximum width of 74' identified in Section 7.3.5 of the MSHCP.

b. Expanded portions of Malaga Road/Sylvester Street into Planning Area 6 are not identified as covered roads on Figure 7-1 of the MCHCP.

The RDEIR/FEIR should clarify and discuss how the ELSP circulation strategy is going to comply with the MSHCP.

27-44 9) The RDEIR/FEIR should address impacts to special-status species that occur, or have the potential to occur, on the project site, and are not covered by the MSHCP. The Department considers impacts to American white pelicans, coast patch-nosed snakes, and two-striped garter snakes to be potentially significant.

27-45 10) The RDEIR/FEIR should specify that fuel management areas be contained in the development footprint and occur outside of all conservation areas. The long-term cumulative effects of human-caused increase in fire frequency to sensitive species and resources should also be addressed.

27-46 11) The Wildlife agencies recommend that the proposed mitigation ratios in the DEIR be removed entirely. Each project will be evaluated individually by the appropriate regulatory agency.

27-47 12) Mitigation Measure Bio-9 concerning tamarisk removal should be revised to avoid impacts to nesting birds.

27-48 13) To reduce the impact of domestic cats on special status species in the conservation areas, the Wildlife Agencies suggest the inclusion of a measure to erect cat-proof barriers between ELSP development projects and both the existing and future conservation areas.

27-49 The DEIR does not provide the level of detail necessary for the Wildlife Agencies to concur that impacts for the buildout of the ELSP would be reduced to a level that is less than significant. We request the City include our revised and additional mitigation measures, as provided above, in the RDEIR/FEIR to ensure that future projects built under the ELSP are consistent with the MSHCP and avoid substantial effects to biological resources including listed and special-status species.

27-50 We appreciate the opportunity to provide comments on this DEIR. If you have any questions or comments regarding this letter please contact James Thiede of the Service at james_thiede@fws.gov (or 760-322-2070, extension 419) or Heather Pert of the Department at heather.Pert@wildife.ca.gov or 858-395-9692.

Sincerely,

KARIN CLEARY-ROSE Digitally signed by KARIN CLEARY-ROSE Date: 2017.06.06 23:14:56 -07'00'

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

Heather A. Pert
for

Leslie MacNair
Inland Deserts Region
Regional Manager
CA Department of Fish and Wildlife

Enclosures:
DFW letter, 2013

27-50 cont.

References

[DFG] California Department of Fish and Game. 1995. Staff Report on Burrowing Owl Mitigation. Sacramento, California. 8 pages.

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Trulio, L. 1995. Passive relocation: A method to preserve burrowing owls on disturbed sites. Journal of Field Ornithology 66: 99–106

Response to Letter 27

U.S. Fish and Wildlife Service and California Department of Fish and Wildlife

27-1. The commenter introduces the U. S. Fish and Wildlife Service (USFWS; Service) and the California Department of Fish and Wildlife (CDFW; Department), collectively referred to as the Wildlife Agencies. The comment also notes the Wildlife Agencies have reviewed the proposed Project's Draft Environmental Impact Report (DEIR) and describes the Wildlife Agencies' role as trustee and responsible agencies related to the California Environmental Quality Act (CEQA), Endangered Species Act (ESA), Natural Community Conservation Planning Program (NCCP), and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The comment is acknowledged; no further response or action is required.

27-2. The commenter provides information on the Project Description and background information about the ELSP planning area found in DEIR Section 3. No further response or action is required.

27-3. The commenter describes establishment of the MSHCP on June 22, 2004, provides an overview of MSHCP covered activities, and notes the City of Lake Elsinore is a MSHCP permittee. A description of the MSHCP is included in Section 5.3.4.3 of the DEIR. The comment is acknowledged; no further response or action is required.

The commenter also notes that the western portion of the proposed Project is located within the plan area boundary of the Stephens' Kangaroo Rat Habitat Conservation Plan and that take of SKR is addressed under the SKR HCP. The comment also notes that the City of Lake Elsinore is an SKR HCP permittee. A description of the SKR HCP is included in Section 5.3.4.3 of the DEIR. No new environmental issues have been raised by this comment and no additional mitigation measures and no modification of the DEIR are required.

Finally, the commenter states the purpose of the comment letter is to "address biological analysis in the DEIR relative to CEQA and the analysis of the project impacts on MSHCP implementation." The comment is acknowledged; no further response or action is required.

27-4. The comment states, "[t]he Wildlife Agencies acknowledge that the project is a specific plan and that additional environmental review may be forthcoming (on a project-by-project basis)." However, the commenter is concerned about the adequacy of the DEIR's project description and environmental setting for biological resources, including biological surveys conducted to date. The commenter states that, "if the threshold for triggering additional environmental review is high, or if additional environmental review is not anticipated" for future implementing development projects, then the commenter requests that the City conduct those surveys now, include them in the EIR, and recirculate it for public review. The Project's environmental setting has been established using aerial reconnaissance, field surveys, record searches and review of other available data appropriate for this programmatic level Project in support of a specific plan amendment. Future implementing development projects in the ELSP would require additional environmental review and documentation including project-specific biological

surveys (including protocol surveys where required) as outlined in mitigation measures MM BIO-1, MM BIO-4 (revised), MM BIO-5, MM BIO-6 (revised), and MM BIO-7 (revised) and Section 10.7.2 of ELSPA No. 11. Project-specific details (e.g. site plans, construction schedules, operations) would be reviewed for consistency with the findings and mitigation in the Final Environmental Impact Report (FEIR) and appropriate CEQA documentation consistent with the CEQA statutes and guidelines would be required for City discretionary approvals. No further response or action is required.

27-5. The comment states that the DEIR does not clearly identify and disclose the location or potential impacts to mitigation land in the Back Basin that has already been earmarked as compensatory mitigation for previously approved projects. As an example, the commenter states the location of potential impacts to 33.02 acres of mitigation resulting from the Infrastructure Improvement Area, as disclosed in Table 5.3-4, is not provided. Mitigation land that has already been earmarked as compensatory mitigation for previously approved projects are identified in the Section 5.3 figures, incorporated into the locations shown as "Mitigation Areas". The figures also include areas of potential development impacts shown as "Action Sports, Tourism, Commercial, Recreation and Transition Areas." No overlap or impacts to Mitigation Areas is anticipated from the designated Action Sports, Tourism, Commercial, Recreation and Transition Areas. DEIR Figure 5.3-2 shows potential impacts to Mitigation Areas resulting from the Infrastructure Improvement Area, which would total 33.02 acres of combined temporary and permanent impacts. These potential impacts were determined based on the presence of existing dirt road and berm alignments; assumed right-of-way for permanent improvements; and a temporary construction buffer. The DEIR assumed the Infrastructure Improvement Area would potentially result in permanent and/or temporary impacts to the 33-acre mitigation site, 10-acre mitigation site, 356-site wetland mitigation site and/or 71-acre mitigation site because precise alignments are not currently known; therefore, a conservative impact analysis was conducted. The extent and nature of impacts that would occur to these Mitigation Areas would be refined and potentially reduced during the development of engineering plans for these improvements; however; the DEIR has considered a conservative impact footprint for disclosure within this programmatic DEIR in support of the specific plan amendment. The City intends to avoid impacts to these areas to the greatest extent possible during preliminary and final design of these improvements by realignment and/or reducing the right-of-way width of proposed backbone roadways. In response to this comment, the Section 5.3.6.11 on page 5.3-50 of the DEIR is hereby amended to amplify the text for clarity as follows:

MSHCP 770

<u>As mapped in Figure 5.3-2, up to 33.02 acres of temporary and permanent impacts to existing mitigation areas in the ELSP may occur as a result of infrastructure improvements. Impact analysis was conservative, assuming the maximum right-of-way width and using a conceptual alignment, both of which may be modified to further avoid and minimize impacts to these mitigation areas during the design of these infrastructure improvements.</u> No <u>other</u> permanent operational impacts to the MSHCP would result from construction of the proposed Project. Currently, the following properties are considered part of the MSHCP 770 Plan:

- The 130-acre Lake Elsinore Inlet Channel
- The 356-acre wetlands
- The 10-, 25-, and 71- acre sites on the Summerly project
- The 33 acres around the "Australia"~~n~~ Vernal Pool
- The 11.66 acres at TR 30846 (Serenity Park)

Additional land is proposed to be preserved, ~~including~~which may include all or portions of the following:

- An ~~35~~11.5-acre portion of the "T-Peninsula"
- The City's ownership of 48-acres south of the 356-acre wetlands
- An additional 59 acres around the 356-acre wetlands~~ or 45 acres of the riparian forest in PA 6.~~
- 45 acres of the riparian forest in PA 6
- Portions of additional City-owned land in the Back Basin
- Additional managed open space set aside by implementing development projects as biological mitigation.

The exact final acreage of the above-listed properties has yet to be determined pending preparation and recordation of conservation easements. However, upon following recordation of all conservation easements, the total acreages conserved would total or exceed 770 acres and would fulfill the MSHCP criteria for the Back Basin. These lands would be preserved as development occurs and would be credited as mitigation for development projects in the Back Basin.

27-6. The comment states "specific information identifying each affected mitigation area and describing how it will be impacted should have been included in the DEIR …[b]ecause a thorough description of the compensatory mitigation lands is paramount to the environmental setting of the project and forms the foundation from which project impacts are assessed." The commenter requests this information be included in either a recirculated DEIR or FEIR. DEIR Figures depicted these areas collectively as "Mitigation Area". In order to respond to this comment and the below comments 27-10 and 27-29, the discussion within Section 5.3.4.3 of the DEIR under the heading "Back Basin 770 Agreement" (DEIR, page 5.3-29) is hereby amended to read as follows:

Back Basin 770 ~~Agreement~~ Plan

In 2003, when the draft MSHCP mapping was first released to the public, the original cell criterion for the Back Basin was not acceptable to the City of Lake Elsinore because it would have created severe economic impacts to the City based on its effect on the longstanding Lake Elsinore East Lake Specific Plan. To rectify this situation, a series of meetings were held between the City of Lake Elsinore, Jim Bartel of the U.S. Fish and Wildlife Service (USFWS), Ron Rempel of the CDFW and staff and consultants from Riverside County and representatives of Laing-CP Lake

Elsinore, who was developing the Summerly project at the time. A letter from CDFW to Lake Elsinore dated October 2013 provides further information on CDFW's understanding of the history of the 770 Plan (Included as Appendix F(1)).

As a result of the City's discussions with the agencies, it was determined that conservation in the Back Basin was not tied to protection of specific habitat or wildlife movement corridors, but rather to the need to conserve a minimum of 770-acres in the Back Basin in order to meet the numeric requirements for the MSHCP (Back Basin 770 ~~Agreement~~Plan). As described in CDFW's October 2013 letter to the City (Included as Appendix F(1)), conservation in the ELSP site conservation lands used to achieve the 770 Plan should target lands that benefit shorebirds or wetland/marsh associated species, vernal pool species, sensitive plant species, and/or Planning Species for Subunit 3 and Proposed Extension of Existing Core 3, as described in the MSHCP. All lands should be managed consistent with the MSHCP and protected, in perpetuity, and will be reviewed and approved by CDFW, USFWS, and RCA. Several specific geographic areas in the Back Basin have been previously identified for conservation toward fulfillment of the 770-acre requirement, including Planning Area 5, most of Planning Area 7, and smaller portions of other Planning Areas as Preservation/Mitigation Areas. These areas are depicted as "Mitigation Area" on Figure 5.3-1 and described in more detail in ELSPA No. 11 Section 2.5.4 which provides the following description of the currently identified areas:

Wetland Mitigation Area

Within Planning Area 5 is the commonly referred to "356-acre Wetland Mitigation Area" which is actually approximately 369.3 acres in size. This area contains the existing U.S. Army Corps of Engineers' man-made wetlands created as part of the Lake Elsinore Management Project. The wetlands provide habitat for birds, small mammals, reptiles and amphibians. No development shall occur within the Wetland Mitigation Area except for those improvements that are necessitated to implement the Lake Elsinore Management Project, as permitted by the U.S. Army Corps of Engineers or to enhance the existing 356-acre Wetland Mitigation Area.

San Jacinto River Corridor and River/Lake Corridor

Located within the Links at Summerly Golf Course in Planning Area 1, the approximately 25-acre San Jacinto River Corridor follows the historic drainage course of the river and provides an approximately 200-foot wide wetlands and wildlife corridor function. This corridor is separated from urban land uses to enhance its biological value and wetlands function.

In addition to the 25-acre San Jacinto River Corridor, an approximately 10-acre, 165-foot wide River/Lake Corridor wetland is located on the western edge of Planning Area 1, adjacent to Planning Area 6.

Lake Elsinore Inlet Channel

As part of the Lake Elsinore Management Project, the U.S. Army Corps of Engineers created a "lake type inlet" with the purpose of conveying discharge from the San Jacinto River into Lake Elsinore. The 130-acre inlet channel and portion of the San Jacinto River are located in Planning Area 7 and are designated as a Preservation/Mitigation Area. Recreational water sports will continue to be allowable uses within the inlet channel.

"Australia" Vernal Pool Mitigation Area

Located within Planning Area 7, the City-owned 33-acre preservation area contains the "Australia" shaped vernal pool and additional mitigation capability for sensitive plant species.

11.66-acre TR 30846 (Serenity Park)

The 11.66 mitigation area located at the southeast corner of the Eastlake Specific Plan between Corydon and Skylark, which was dedicated as part of the Serenity Project.

"T" Peninsula Area

The 11.5-acre mitigation area located at the end of the "T" Peninsula in Planning Area 6 will be used to provide biological habitat functions and will be conserved and managed in accordance with the adopted Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Open Space Buffers

Located along the southerly boundary of Planning Area 1, an approximately 71-acre open space buffer separates the Summerly Residential Neighborhood and The Links at Summerly golf course from the 356-acre Wetland Mitigation Area immediately to the south of Planning Area 1. It will provide drainage, flood retention and biological habitat functions.

An additional open space buffer to separate the 356-acre Wetland Mitigation Area from adjacent uses has been included in the ELSP as follows:

- City-owned land along the southern edge of Planning Area 5 between the 356-acres and the southwestern boundary of the ELSP. (Approximately 48 acres)

Additionally, future implementing development projects within the Project site may help to achieve the 770-acre requirement by dedicating acreage for managed open space as biological mitigation, consistent with Section 2.5.4.2 of the SPA which states:

To complete the 770-acre commitment to the MSHCP, the City will require that all new development in the Back Basin preserve a certain percentage of its acreage in open space. This open space area may include any lost storage volume areas required to flood protect a parcel and/or may require an open space set aside for those projects that do not require flood protection.

The Back Basin is subject to periods of high flooding. Open space areas may be inundated for many months in major flood events. As a result, it is not cost effective to spend money on traditional habitat establishment. Instead, all open space areas will be required to set aside an endowment for woody invasive species removal in perpetuity in order to meet this managed open space requirement. Additional managed open space may be set aside by implementing development projects as biological mitigation. This additional managed open space should be located adjacent to other managed open space areas. Managed open space can include any buffers, berms, lost storage volume areas and/or other open space. It cannot include active recreation sites. These open space areas can include limited trails to allow passive use of the land, subject to City approval. The land may also be utilized for mitigation for sensitive plants and/or "waters of the U.S. and State" as needed.

The Back Basin is regulated to elevation 1265 by the California Department of Fish and Wildlife (CDFW). If an applicant also has a CDFW jurisdictional wetland or drainage on its site, additional mitigation may be necessary.

Developers of future implementing development projects are encouraged to attend an MSHCP Pre-application meeting to facilitate coordinated mitigation among the Army Corps of Engineers, Regional Water Quality Control Board, Department, and the Service for project impacts to jurisdictional waters and MSHCP Riparian/Riverine features.

Two transition areas to separate the 356-acre Wetland Mitigation Area from adjacent Action Sports, Tourism, Commercial and Recreation uses have been included in the ELSP as follows:

- 350-foot wide transition area along the southern edge of Planning Area 6 (approximately 34-acres)
- 200-foot wide transition area along the western edge of Planning Area 3 (approximately 20 acres)

The transition areas are locations where developers are encouraged to place required managed open space set-asides.

In addition, all future implementing development projects within the Project site would ensure consistency with the MSHCP by obtaining a consistency determination and any other additional approvals required by the MSHCP, including processes such as the City's implementation of the

HANS (Habitat Evaluation and Acquisition Negotiation Strategy) process known as the LEAP process, when appropriate. Applicable plan-wide requirements may include:

- Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2),
- Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3),
- Additional Survey Needs and Procedures (MSHCP, § 6.3.2),
- Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4),
- Vegetation Mapping (MSHCP, § 6.3.1) requirements,
- Fuels Management Guidelines (MSHCP, § 6.4), and Payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4).

These revisions merely clarify and amplify the analysis and conclusions already presented in the DEIR; and therefore, do not represent any substantial evidence showing any new of different potentially significant impacts.

The precise boundaries of each mitigation area will be finalized at the time that conservation easements are recorded. Please also see above response to Comment 27-5 for a discussion on potential impacts to these areas. No further response or action is required.

27-7. The comment states either a recirculated DEIR or the FEIR should "identify all existing mitigation commitments, any outstanding commitments such as restoration and/or the recording of conservation easements, and provide clear details and analysis describing how the project may affect each of these areas." Please see above response to Comments 27-5 and 27-6. No further response or action is required.

27-8. The comment describes the "770 Agreement" (770 Plan) between the City of Lake Elsinore and the Wildlife Agencies; references a 2013 letter and map detailing the Department's understanding regarding conservation in the Lake Elsinore Back Basin to meet MSHCP reserve assembly requirements; notes the 2013 letter requested the City of Lake Elsinore work with the Wildlife Agencies and the RCA to identify remaining parcels to finalize the "770 Agreement"; notes requirements (restoration and/or recording of easements) that need to be implemented before these lands can be counted toward the conservation goal; and notes that this information was not included in the DEIR but is "relevant and pertinent to the analysis of the lands that can contribute to the final mitigation configuration."

The DEIR included a discussion of the 770 Agreement on pages 5.2-29 and 5.3-30. The discussion in Section 5.3.6.11 of the DEIR (DEIR, page 5.3-50) has been amplified in response to this comment and comment 27-5, as shown above in the response to comment 27-5. No further response or action is required.

27-9. The comment states, "[t]he characterization in the DEIR that the only requirement for the 770 acres is to meet an acreage goal is an over simplification." The comment cites a 2013 Department letter to the City, describing the Department's interpretation of the 770 requirement and states, "areas

included in the 770 acres of conservation should include areas that were identified for Reserve Assembly as described in the MSHCP (based on the written cell criteria) and/or provide connectivity to lands that are conserved and/or proposed for conservation. The conservation should target lands that benefit shorebirds or wetland/marsh associated species, vernal pool species, sensitive plant species, and/or Planning Species for Subunit 3 and Proposed Extension of Existing Core 3, as described in the MSHCP. All lands should be managed consistent with the MSHCP and protected, in perpetuity." Please see above responses to comments 27-5 and 27-8 for additional clarification added to pages 5.2-29 and 5.3-30 of the EIR. No further response or action is required.

27-10. The comment notes additional areas that could contribute to the 770-acre requirement including, "the 10-acre Laing/Summerly property, the 11.66-acre Tract 30846 mitigation area, and the 53.5 acre borrow site (5.75 acres were committed by the City for the Lake Elsinore Boat Ramp in Agreement No. 1600-2007-0216-R6)." The comment also states, "[t]he Draft EIR identifies alternative properties such as the 35-acre T-area that have unknown resource values and need to be reviewed to determine if they are appropriate for inclusion in the 770 acres." The discussion on potential 770 mitigation areas has been amplified per responses to comments 27-5, 27-6 and 27-8 above. No further response or action is required.

27-11. The comment requests the EIR be more specific on MSHCP's plan-wide requirements of future implementing development projects. As requested by the commenter, the discussion has been amplified per responses to comments 27-5 and 27-6 above. No further response or action is required.

27-12. The comment states, "[t]he Wildlife Agencies are concerned that use of lost storage volume areas dispersed across project sites as contribution towards the 770-acre acre goal will result in piecemeal conservation that does not have the MSHCP resource values and/or connectivity to the adjacent mitigation areas." The commenter also requests a meeting with the City, Wildlife Agencies and the RCA to discuss the proposed additions of the mitigation lands to meet the 770 Back Basin acreage goals. Please see above responses to comments 27-5, 27-6, 27-8 and 27-9. Per discussions during a follow-up meeting between the City and the Wildlife Agencies held on August 30, 2017 regarding the 770 acreage goals, the City shall work with the Wildlife Agencies to consider additional mitigation areas as future implementing development projects are proposed within the ELSP site. Portions of City-owned land in the Back Basin is available to meet or exceed the 770-acre requirement and can be officially committed to meet the mitigation needs of future implementing development projects pending City Council approval and/or in consultation and cooperation between the City, Wildlife Agencies and RCA. Figure 5.3-1 shows the current "Mitigation Area" with an approximate acreage of 725 acres. Much of this acreage is sizable and/or contiguous (e.g. Inlet Channel in proposed Planning Area 7; 356-acre wetlands in proposed Planning Area 5; and 71-acre site in proposed Planning Area 1) and/or provides connectivity (e.g. 10-acre site, 25-acre site, and 33-acre site). The City will require additional acreages set aside for mitigation to be contiguous and/or of substantial size. See response to comment 27-13 below. No further response or action is required.

27-13. The comment states, "[t]he Wildlife Agencies are concerned that an endowment for woody species removal will be inadequate to manage the open space and to maintain the resource values in perpetuity." The Wildlife Agencies suggest a management plan and Property Analysis Record (PAR) or equivalent be prepared to inform the endowment needs for long-term management of the conservation properties. ELSPA No. 11 Section 2.5.4.2 has been amplified to include the additional language below.

> To complete the 770-acre commitment to the MSHCP, the City will require that all new development in the Back Basin preserve a certain percentage of its acreage in open space. This open space area may include any lost storage volume areas required to flood protect a parcel and/or may require an open space set aside for those projects that do not require flood protection. To avoid piecemeal conservation, new preservation areas shall be contiguous with existing 770 features and/or major riparian areas, unless otherwise approved by the regulatory agencies.
>
> The Back Basin is subject to periods of high flooding. Open space areas may be inundated for many months in major flood events. As a result, it is not cost effective to spend money on traditional habitat establishment. Instead, all open space areas will be required to set aside an endowment for woody invasive species removal in perpetuity in order to meet this managed open space requirement. Future implementing development projects would also require preparation of a long-term management plan and Property Analysis Record (PAR) or equivalent to inform the endowment needs for long term management of the conservation properties, including: controlling access through signage, fencing, and/or enforcement; removal of invasive species; maintenance of facilities; and/or trash pickup based on project-specific impacts and compensatory mitigation requirements. Additional managed open space may be set aside by future implementing development projects as biological mitigation. This additional managed open space should be located adjacent to other managed open space areas. Managed open space can include any buffers, berms, lost storage volume areas and/or other open space. It cannot include active recreation sites. These open space areas can include limited trails to allow passive use of the land, subject to City approval. The land may also be utilized for mitigation for sensitive plants and/or "waters of the U.S. and State" as needed.

Mitigation measure MM BIO-9 has been renumbered as MM BIO-10 and has also been updated as follows:

> **MM BIO-~~9~~10:** Mitigation for each future implementing development project will be completed prior to or concurrently with each project's implementation (may require grading to occur to establish mitigation area) and will be consistent with the 770~~-acre~~ ~~mitigation agreement~~ Plan currently ~~in place~~ developed for the Back Basin as well as other requirements as described in Section 2.5.4.2 of ELSPA No. 11.
>
> Removal of tamarisk scrub will be considered a benefit to the Back Basin and no mitigation will be ~~necessary~~ required by the City provided the Tamarisk is

> eradicated in perpetuity. This means that development of a site that is graded, paved, etc. such that Tamarisk cannot survive, does not need mitigation. If a portion of Tamarisk scrub remains on a project site, the project proponent will be required by the City to establish an endowment to remove/eradicate the Tamarisk in perpetuity. Impacts to riverine and riparian resources will be mitigated in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP. Impacts to riparian resources will be compensated for at a minimum ratio of 2:1 preservation in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP.

No further response or action is required.

27-14. The comment states, "[t]he Transportation Section of the Draft EIR, Section 5.14, should have included (in the local regulatory framework subsection) a description of the MSHCP covered roads, requirements and citing of roads in Criteria Areas, and other measures such as wildlife crossings. The comment also states that "[r]oadways identified in Section 7.3.5 of the MSHCP and on Figure 7-1 are Covered Activities within the Criteria Area" and that "[r]oadways other than those identified in this section are not covered activities without an amendment to the MSHCP." Additionally, the comment includes a listing of roadway classifications and right-of-way widths identified in the MSHCP. The comment also notes that although the DEIR identifies the improvement and development of Cereal Street, Lucerne Street, and Malaga Road, that Cereal Street is the only covered road in the Back Basin and that the proposed 100-foot right of way for these roads and additional width for temporary impacts exceeds the maximum with of 74 feet identified in the MSHCP. The Wildlife Agencies recommend modifying the proposed roads and widths to be consistent with the covered roads elements in Figure 7-1 of the MSHCP.

In response to the request to add language regarding MSHCP covered roads to DEIR Section 5.14, Section 5.14.3 (Regulatory Setting) is hereby amended to add the following new section between the discussion of the "Riverside County Integrated Project" and "Congestion Management Plan" on page 5.14-10 of the DEIR:

> Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)
>
> As described in Section 5.3 (Biological Resources), in 2004, the City adopted the MSHCP, a comprehensive multi-jurisdictional effort that focuses on conservation of 146 species and their associated habitats within western Riverside County. The MSHCP serves as the Habitat Conservation Plan pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as well as a Natural Communities Conservation Plan (NCCP) under the NCCP Act of 2001. The MSHCP allows for the Permittees (i.e., City of Lake Elsinore, County of Riverside, the other 14 participating cities, etc.) to authorize "take" of plant and wildlife species identified within the Plan area for private and public works projects.

Section 7 of the MSHCP describes covered Activities/Allowable Uses. Section 7.3.5 describes Planned Roads within the Criteria Area ("Covered Roads"). Planned roadways are defined as either existing facilities that require improvements (i.e. widening) or new facilities to be constructed. Covered roads include seven types of roadways, freeways, CETAP Corridors and other major facilities that have been identified as part of the General Plan Circulation Element. Evaluations of planned roadways with respect to Conservation of biological resources have been conducted throughout the MSHCP planning process. As a result, only those planned roadways identified in this section are Covered Activities within the Criteria Area. Roadways other than those identified in Section 7.3.5 are not covered without an amendment to the MSHCP in accordance with the procedures described in Section 6.10 of the MSHCP.

The MSHCP states that "[t]he improvement/construction of circulation element roadways shown on Figure 7-1 [of the MSHCP] are Covered Activities within the Criteria Area, as well as the operation and Maintenance Activities conducted for these facilities. The Circulation element roads included in Figure 7-1 and that are analyzed in this section include a composite of County and Cities General Plan Circulation Elements." (MSHCP, page 7-31) Section 7.5.1 of the MSHCP sets forth the "Guidelines for the Siting and Design of Planned Roads Within the Criteria Area and Public/Quasi-Public Lands".

As stated on page 7-31 of the MSHCP, "[t]he Circulation element roads included in Figure 7-1 and that are analyzed in this section include a composite of County and Cities General Plan Circulation Elements. The City of Lake Elsinore General Plan Circulation Element in effect at the time that the MSHCP was prepared and adopted had the following roads and right-of-way widths within the interior of the East Lake Specific Plan:

- Bundy Canyon Road – Urban Arterial (6-Lanes/120-foot right-of-way) (Between Lakeshore Drive and Corydon)
- Stoneman Street – Major Roadway (4-Lanes/100-foot right-of-way)
- Diamond Drive– Major Roadway (4-Lanes/100-foot right-of-way)

These roadway designations are also reflected in the East Lake Specific Plan as originally adopted in 1993. Notwithstanding these City of Lake Elsinore Circulation Element designations, the adopted MSHCP utilized different road designations and right-of-way widths. MSHCP Figure 7-1 only shows Cereal Street (referred to as Bundy Canyon Road in City General Plan) as a Collector Road with a 74-foot right-of-way and a portion of Diamond Drive (identified as a Major Roadway with a 118-foot right-of-way).

In response to the commenters' request to modifying the proposed roads and widths, ELSPA No. 11 is hereby amended to change the designations of Cereal Street, Lucerne Street, and Sylvester/Malaga Street from Major Roads with 100-foot right of way to Collector Roads with a modified 68-foot right-of-way. An analysis conducted by Webb Associates (included as EIR Appendix K(1)) of this reduction in right-of-way width shows that because the roads will still be 4-lane roads there will be no change in the

potential traffic impacts as described in DEIR Section 5.14, Transportation and Circulation and no additional mitigation will be required.

MSHCP Section 7.5.1 states that the specific location for planned roads, bridges and interchanges depicted on Figure 7-1 are not exact; the ultimate alignment and design will be determined during project level engineering and approval for the alignment. This section also states that alignments will follow existing roads, easements, rights-of-way, and disturbed areas. The locations of Cereal Street, Lucerne Street, and Sylvester/Malaga Street as shown in Figure 4.1 of the ELSPA No. 11 and Figure 5.14-1 of the DEIR reflect the locations of existing rights-of-way for these roads. MSHCP Figure 7-1 shows a total length of Cereal Street is approximately 17,068 feet with a 74-foot right-of-way (29 acres). The total length of Cereal Street, Lucerne Street, and Sylvester/Malaga Street as shown in ELSPA No. 11 is approximately 14,062 feet with a 68-foot right-of-way and approximately 2,656 feet with a 100-foot right-of-way (totaling 28.05 acres). Therefore, Cereal Street, Lucerne Street, and Sylvester/Malaga Street represent a more accurate alignment for the road labeled "Cereal Street" in MSHCP Figure 7-1 and the total acreage for these roads is less than that shown in Figure 7-1 for Cereal Street. Therefore, all three roads can be considered to be "covered roads" and consistent with the MSHCP. It should also be noted that current Geographic Information System (GIS) files provided to the City by the RCA and verified by CDFW allow for 63.7 acres of roadway development associated with MSHCP Figure 7-1 Cereal Street improvements, which would leave a remaining balance of 35.65 (63.7-28.05) acres for future covered roadway improvements if needed.

The ELSPA No. 11 also shows a bridge across the inlet channel that would allow the completion of Lucerne Street from Sylvester/Malaga Street to Lakeshore Drive. This connection is shown on Figure 7-1 as part of Cereal Street. Additionally, as described above, Stoneman Street has been shown in the East Lake Specific Plan since its initial adoption in 1993 and in the City General Plan Circulation Element since 1990. It is understood that at such time that these facilities are proposed for development, that a determination of MSHCP compliance through the MSHCP's Joint Project Review (JPR) process shall be required. Through the JPR process these facilities can be determined to be "covered roads" if the development footprint can be offset by an equivalent acreage from a covered road shown on Figure 7-1 that will not be developed.

The comment also requests, "a discussion of MSHCP road requirements, identification of the MSHCP Covered Roads in the ELSP, a description of how the circulation portion of the ELSP will comply with MSHCP roads requirements and a commitment to meeting the wildlife connectivity and the other MSHCP covered road requirements." Please see the above response to this comment 27-14.

27-15. The comment states, "[w]ithout the results of focused surveys and information on mitigation strategies as appropriate, the Wildlife Agencies cannot evaluate if proposed roads or projects are consistent with MSHCP." Please see above response to comment 27-4. No further response or action is required.

This comment also reviews mitigation measure MM BIO-4 and provides the Wildlife Agencies' position that the mitigation as worded "is not consistent with the MSHCP requirements." Please see the

following response to comment 27-16, for revisions to mitigation measure MM BIO-4 in response to this comment and to comment 27-16.

27-16. The comment suggests revisions be made to mitigation measure MM BIO-4 for consistency with MSHCP requirements. Per the Wildlife Agencies request, MM BIO-4 is hereby revised per the comment as follows:

MM BIO-4 ~~Mitigation for impacts to special status plant species caused by development within the Project site will be achieved through compliance with MSHCP requirements. Each development will go through the MSHCP approval process (including required Narrow Endemic and Criteria Area Plant surveys). If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.).~~

~~Surveys for Narrow Endemic and Criteria Area Plant species will occur during the appropriate season within the Infrastructure Improvement Areas. If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.) Translocation may occur in preserved open spaces areas.~~

Future implementing development projects within the ELSP will adhere to the MSHCP special status plant species requirements, which include the Narrow Endemic and Criteria Area Plant surveys (NEPSSA and CAPSSA respectively). All surveys will be performed during the time of year specified in the MSHCP. Per the MSHCP, either Equivalency Findings or a Determination of Biologically Equivalent or Superior Preservation (DBESP) will be prepared for each project on which a NEPSSA or CAPSSA species is found during surveys. If 90% of the area with long term conservation value to the NEPSSA or CAPSSA plant species on the project site can be avoided then an Equivalency Finding will be made. If impacts to more than 10% of the area with conservation value to the plant species is not avoided, then a DBESP will be prepared and provided to the Wildlife Agencies for review and approval.

No further response or action is required.

27-17. The comment recommends a mitigation measure be added to outline next steps for future implementing development projects that propose impacts to more than 10% of the area with long term conservation value to the NEPSSA or CAPSSA plant population(s). Per the Wildlife Agencies request, MM BIO-4a is hereby added to the DEIR as follows:

MM BIO-4a Whenever more than 10% of the area with long term conservation value within a future implementing development project's footprint is affected by that future implementing development project's activities and the DBESP has been prepared and approved, if the mitigation strategy includes translocation and or seed collection with propagation to an on-site or off-site preserved property, the receiving property must be acceptable to the City and Wildlife Agencies. The property shall provide habitat characteristics suitable to support the plant species, including but not limited to: appropriate soils, elevation, hydrology and vegetation community. The property shall be conserved via recordation of a conservation easement or deed restriction in favor of a CDFW-due diligence approved local conservation entity to protect sensitive plant species on the property in perpetuity. Alternatively, the land may be transferred in fee title to a CDFW-approved local conservation entity. A management fund shall be established by the Applicant and will consist of an interest-bearing account with the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the conservation area(s), including but not limited to, reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, long-term management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted by the Applicant and approved by the City to determine the management needs and costs described above, which then will be used to calculate the capital needed for the management of the fund. This management fund shall be held and managed by a CDFW-approved local conservation entity. To protect the mitigation area(s), the Applicant shall place appropriate fencing and/or natural barriers and signage around the perimeter of each site. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s), and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials. Mitigation areas can include limited trails to allow passive use of the land, subject to CDFW and City approval. Prior to any ground disturbance, the Applicant shall prepare a Planting Plan (Plan) for sensitive plant species. The Plan shall require a replacement ratio of 1:1 by area, and ensure a minimum 90 percent survivorship at the end of a five-year monitoring period, which shall be verified by the monitoring biologist

(minimum qualifications of the monitoring biologist are specified below). At a minimum, the five-year plan shall include the following information:

a. A description of the existing conditions of the receiver site(s), characterizing the suitability of the site(s) for the plant, and documenting the acreage of the site.
b. A description of how the site will be preserved in perpetuity, e.g., conservation easement, deed restriction, etc., and the name of the CDFW-approved due diligence entity that will hold the easement/deed restriction, etc.
c. Qualifications of the monitoring biologist: At a minimum, the monitoring biologist will possess a minimum of two-year's experience conducting habitat restoration projects in coastal sage scrub, chaparral and/or other native habitat in Riverside County, California.
d. Receiver site preparation for transplanting.
e. Goals for success.
f. Schedule.
g. Propagation techniques.
h. Transplant and seedling installation methods.
i. Plant spacing.
j. Performance criteria for success, including provision for control of non-native and invasive species.
k. Monitoring and reporting procedures for each of the five years of the monitoring period.
l. Adaptive management strategies, including a contingency plan should the site fail to meet the specified success criteria.
m. Maintenance requirements that will be reviewed and approved by the City. The Plan shall also ensure a mixture of both male and female plants (where appropriate).

27-18. The comment states, "The number of burrowing owls occupying the site may change over time as local populations and environmental conditions fluctuate. Given the phased development timing of the project and the fluctuating nature of burrowing owl populations, the Revised DEIR/FEIR should acknowledge and recognize that the proposed mitigation measures may be required for more (or less) than one burrowing owl pair." Additional clarifying text has been added to Section 5.3.3 of the EIR as follows:

> Two BUOWs were observed within the Project site during the VCS survey. Each BUOW was observed at a burrow with characteristic sign of BUOW occupation/use. The Project site is considered to host suitable habitat for BUOW. The two burrowing owls were not observed within the Infrastructure Improvement Areas. Given the phased development timing of the project and the fluctuating nature of burrowing owl populations, the number of burrowing owls

occupying the site may change over time as local populations and environmental conditions fluctuate. Therefore, although only two BUOWs were observed during the VCS survey, the proposed project may impact and require mitigation measures for more, or less, than the two BUOW individuals observed during the Project's surveys.

The comment recommends revisions to mitigation measure MM BIO-7. Per the Wildlife Agencies request, MM BIO-7 bullet 2 and 3 have been revised per the comment as follows:

- Pre-construction presence/absence surveys for burrowing owl within the Project site where suitable habitat is present shall be conducted by a qualified biologist within 30 days prior to the commencement of ground disturbing activities pursuant to California Department of Fish and Wildlife and MSHCP protocols (Section 6.3.2 of the MSHCP, *Additional Survey Needs and Procedures*). ~~If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum 300 feet) of any active burrow will be halted until that nesting effort is finished. The on-site biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.~~

  If BUOW are found onsite, the Lead Agency shall notify the Wildlife Agencies and the Western Riverside County Regional Conservation Authority (RCA) to develop a conservation strategy including a Burrowing Owl Relocation Plan. If active burrowing owl burrows are detected during the breeding season, the qualified biologist will establish an appropriate buffer (typically a minimum 300 feet) and all work will be halted within the buffer until the biologist observes that nesting efforts have finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.

- If active burrowing owl burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun, then passive and/or active relocation may be approved with a Burrowing Owl Relocation Plan following consultation with the City of Lake Elsinore, the Wildlife Agencies and the RCA. Passive relocation, the installation of one-way doors, is not recommended unless suitable burrows are available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City, the Wildlife Agencies and the RCA for mitigation monitoring compliance record keeping.

27-19. The comment states, "[p]lease note that CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. Deferral

may be permissible, but an agency must commit itself to mitigation and either adopt a performance standard on which future approvals are contingent or consider and analyze specific alternatives." The comment is acknowledged. Feasible mitigation has been included that is appropriate for this programmatic Project, including measures requested by the Wildlife Agencies. Where appropriate, the mitigation measures are based on a performance standard. No further response or action is required.

27-20. The comment describes applicable laws related to nesting birds and birds of prey including the Migratory Bird Treaty Act (MBTA) and sections 3503, 3503.5, and 3513 of the California Fish and Game Code (FGC). The comment is acknowledged. No further response or action is required.

27-21. The comment states, "Impact BIO-4 is inconsistent with the described impacts and should be revised in revised DEIR/Final EIR to reflect that significant impacts may occur to nesting birds." As disclosed in the text on page 5.3-33, "any potential for impacts to this species [western snowy plover] during construction of future implementing development projects would be minimized through implementation of MM BIO-7, which requires all future implementing development projects in the Project site to complete a pre-construction nesting bird survey prior to clearing and grubbing activities within the Project site." Impact BIO-4 has been revised as shown below for clarity and consistency with the amplified language provided for response to comment 17-35:

> ***Impact BIO-4*** *Construction of future implementing development projects including clearing, grubbing, and demolition activities ~~would~~ may result in ~~less than significant~~ impacts to western snowy plover and other nesting birds in the Project site.*

27-22. The comment recommends revision to bullet 1 of mitigation measure MM BIO-7 for preconstruction nesting bird surveys. Per the Wildlife Agencies request, MM BIO-7 bullet 1 has been revised per the comment as follows:

- Prior to the commencement of future implementing development project-related activities (including all ground-disturbing activities) during the nesting season of January 1 through September 1, ~~The removal of potential nesting bird habitat will be conducted outside of the nesting season (February 1 to August 31) to the extent feasible. If grading or site disturbance is to occur between February 1 and August 31,~~ a nesting bird survey shall be conducted by a qualified biologist ~~within no~~ not more than 72 hours ~~of~~ prior to ground disturbance activities ~~scheduled vegetation removal~~, to determine ~~the presence of~~ if active bird nests or nesting birds are present. If active nests are identified, the avian biologist will establish appropriate buffers around the ~~vegetation~~ nest (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers will be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The on-site biologist will review and verify compliance with these nesting boundaries and will verify the nesting effort has finished. Work can resume within the buffer area when no other active nests are found. Alternatively, the qualified avian biologist may determine alternate appropriate buffer distances by referencing current species-specific standards, and taking into account the conservation status of the species, species-specific biology, and the nature of the planned

disturbance (e.g., driving past a nest versus extensive grading).~~a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.).~~ In either case, the qualified avian biologist shall develop a monitoring plan to ensure that the project complies with all rules and regulations pertaining to nesting birds. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping. If vegetation clearing is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.

No further response or action is required.

27-23. The comment states, "[t]he Wildlife Agencies request that the FSEIR/Revised Draft EIR clearly describe the process for delineating the riparian/riverine resources in the ELSP area, the specific impacts to those resources, and measures to mitigate those impacts. Please note that the MSHCP consistency review process is not [deemed to] be complete until any comments the Wildlife Agencies have on a DBESP have been addressed." It is acknowledged that the DBESP will not been deemed to be complete until comments from the Wildlife Agencies, if any, that have been received within the time periods established by the MSHCP have been addressed. As previously discussed in this response to comments and in the DEIR, the DEIR appropriately provides mitigation on a programmatic level for potential impacts to jurisdictional waters described under mitigation measures MM BIO-8, and MM BIO-9, which have been renumbered as MM BIO-9 and MM BIO-10. Future implementing development projects will be required to assess project-specific impacts based on proposed development footprints in relation to jurisdictional features that reflect current conditions at the time of implementation, as well as complete site-specific MSHCP consistency requirements. No further response or action is required.

27-24. The comment recommends compensatory mitigation for impacts to waters of the State at a minimum 1:1 ratio and for impacts to wetland and riparian waters at a minimum 2:1 ratio. The comment also encourages avoidance to the greatest extent possible. The mitigation ratios provided in revised mitigation measure MM BIO-8 (reordered as MM BIO-9) consider the unique circumstances of the Back Basin, where CDFW assumes jurisdiction over the historic lakebed at elevation of 1,265 mean sea level (msl) and the USACE at 1,246 msl. Although the Wildlife Agencies' recommended ratios may be appropriate for surface expressions (i.e. drainage features), they may not be appropriate for historic lakebed areas that lack waters-related characteristics. Examples would include currently disturbed/developed areas and ruderal vegetated areas with no bed, bank or ordinary high-water mark. Much of these areas support ruderal and/or invasive plant species. The ratios below 1:1 relate to those types of areas. That said, mitigation measure MM BIO-8 has been renumbered as MM BIO-9 and has been revised to address the agencies concerns that these minimums may not be sufficient. The mitigation measure has been revised as follows:

> **MM BIO-~~8~~9:** Mitigation for each future implementing development project will be completed prior to or concurrently with Project implementations and will be consistent with the 770~~-acre~~ Plan currently ~~in place~~ developed for the Back Basin.

Impacts to Corps jurisdiction below elevation 1246' and CDFW jurisdiction below elevation 1265' ~~are recommended to be~~ shall be compensated for by the preservation of waters below elevation 1246' and/or 1265' in the confines of the Back Basin or Lake Elsinore at a ratio to be negotiated with USACE and CDFW respectively during the regulatory permitting process for subsequent implementing development projects at a minimum 0.25:1 ratio, except for developed, ruderal, and/or tamarisk scrub areas which may require a lesser ratio pending review and approval of the Corps and CDFW during the regulatory permitting process~~minimum 0.25:1 ratio~~. Impacts to non-wetland WoUS and streambed WoS ~~are recommended to~~ shall be compensated for at a minimum ratio of 1:1 preservation in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP. Impacts to wetland and riparian waters ~~recommended to~~ shall be compensated for at a minimum ratio of 2:1 preservation in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP. Mitigation for non-elevation related impacts to jurisdictional features may be combined with the elevation mitigation areas, due to the significant overlap in these areas in the acreage calculations in the previous sections.

The following tables identify the anticipated minimum mitigation necessary for impacts within the Project site. Each subsequent implementing development project will be evaluated individually by each applicable regulatory agency to determine appropriate mitigation for the project's impacts to jurisdictional resources, based on a case-by-case analysis of the function and value of impacted resources as compared to the function and value of mitigation proposed by the developer.

Table 5.3-18. Compensatory Mitigation for "Other Waters" Impacts within the Project site

Feature*	Impacts	Ratio Multiplier (minimum)	Mitigation Acreage
Non-wetland WOUS	2.41	1	2.41
Potential Wetland WOUS	53.88	2	107.76
Riparian WoS	53.88	2	107.76
Rivers, Streams, or Lakes WoS	3.08	1	3.08
Mitigation Areas	17.01	1	17.01

*includes the Infrastructure Improvement Areas

Table 5.3-19. Compensatory Mitigation for "Other Waters" Impacts within the Infrastructure Improvement Areas

Feature	Impacts	Ratio Multiplier (minimum)	Mitigation Acreage
Non-wetland WOUS	0.00	1	0.00

Feature	Impacts	Ratio Multiplier (minimum)	Mitigation Acreage
Potential Wetland WOUS	0.23	2	0.46
Riparian WoS	0.23	2	0.46
Rivers, Streams, or Lakes WoS	0.00	1	0.00
Mitigation Areas	17.01	1	17.01

*see Table 24 below for additional detail regarding habitat types within the 1265' elevation

~~Table 5.3-20. Compensatory Mitigation for Habitat Impacts within the Project site and Below Elevations 1265' for CDFW and 1246' for USACE~~

~~Vegetation Communities~~	~~Impacts~~	~~Ratio Multiplier (minimum)~~	~~Mitigation Acreage~~
~~Borrow Site~~	~~11.64~~	~~0.5~~	~~5.82~~
~~Mitigation Areas~~	~~33.02~~	~~1~~	~~33.02~~
~~Mixed Scrub~~	~~40.43~~	~~1~~	~~40.43~~
~~Mulefat Scrub~~	~~0.63~~	~~1~~	~~0.63~~
~~Ornamental Woodland~~	~~27.00~~	~~0.25~~	~~6.75~~
~~Riversidean Sage Scrub~~	~~12.90~~	~~2~~	~~25.80~~
~~Riversidean Sage Scrub – disturbed~~	~~2.39~~	~~1~~	~~2.39~~
~~Ruderal~~	~~775.53~~	~~0.25~~	~~193.88~~
~~Saltgrass Ruderal~~	~~13.13~~	~~0.25~~	~~3.28~~
~~Southern Cottonwood – Willow Riparian Forest~~	~~6.08~~	~~2~~	~~12.16~~
~~Tamarisk Scrub~~	~~341.48~~	~~0*~~	~~0~~
~~Willow Scrub~~	~~6.81~~	~~1~~	~~6.81~~

~~*See under Riparian/Riverine Areas and Vernal Pools~~

~~The Infrastructure Improvements will result in the following direct impacts to vegetation communities.~~

~~Table 5.3-21. Compensatory Mitigation for Habitat Impacts within the Infrastructure Improvement Areas and Below Elevations 1265' for CDFW and 1246' for USACE~~

~~Vegetation Communities~~	~~Impacts~~	~~Ratio Multiplier (minimum)~~	~~Mitigation Acreage~~
~~Borrow Site~~	~~0.57~~	~~0.5~~	~~0.29~~

~~Vegetation Communities~~	~~Impacts~~	~~Ratio Multiplier (minimum)~~	~~Mitigation Acreage~~
~~Mitigation Areas~~	~~17.01~~	~~1~~	~~17.01~~
~~Mulefat Scrub~~	~~0.21~~	~~1~~	~~0.21~~
~~Ruderal~~	~~6.51~~	~~0.25~~	~~1.63~~
~~Tamarisk Scrub~~	~~3.11~~	~~0*~~	~~0~~
~~Willow Scrub~~	~~0.03~~	~~1~~	~~0.03~~

~~*See under Riparian/Riverine Areas and Vernal Pools~~

No further response or action is required.

27-25. The comment suggests that proponents of future implementing development projects attend an MSHCP Pre-application meeting to facilitate coordinated mitigation among the Army Corps of Engineers, Regional Water Quality Control Board, Department, and the Service for project impacts to jurisdictional waters and MSHCP Riparian/Riverine features. In response to this comment Section 2.5.4.2 of the ELSPA No. 11 is hereby amended by adding a new paragraph following "The Back Basin is regulated to elevation 1265 by the California Department of Fish and Wildlife (CDFW). If an applicant also has a CDFW jurisdictional wetland or drainage on its site, additional mitigation may be necessary." to read as follows:

> Developers of future implementing development projects are encouraged to attend an MSHCP Pre-application meeting to facilitate coordinated mitigation among the Army Corps of Engineers, Regional Water Quality Control Board, Department, and the Service for project impacts to jurisdictional waters and MSHCP Riparian/Riverine features.

No further response or action is required.

27-26. The comment states, "[i]ncreased human presence brings a risk of increased fire hazards. The DEIR identifies fuel management to protect development areas, but does not analyze the long-term cumulative effects to sensitive species and resources from a human-caused increase in fire frequency. In addition, the Revised Draft EIR/Final EIR should clearly specify that fuel management cannot occur in conservation areas and must be contained within the development footprint." The proposed Project would not have impacts associated with increased fire hazards aside from those already analyzed in DEIR Section 5.7.6.10, with some areas showing moderate susceptibility on the eastern portion near Mission Trail Drive and some areas showing moderate to very high susceptibility within and adjacent to the southern edge of the Project site (DEIR 5.7-5). Per the commenter's suggestion and as shown below, mitigation measure MM HAZ-5 has been revised to reference compliance with Section 6.4 Fuels Management of the MSHCP. It should also be noted that the 71-acre buffer zone, part of the 770 mitigation area, has always proposed fuel modification. No further response or action is required.

MM HAZ-5 As part of the approval process for a future implementing development project, projects shall be required to demonstrate their avoidance of significant impacts associated with wildfire hazards through implementation of Policies 4.1 through 4.3 of the Wildfire Hazards section of the Public Safety and Welfare chapter of the General Plan. (Ref. General Plan EIR Mitigation Measure MM Hazards 5). In addition, all fuel modification activities for future implementing development projects must be conducted in accordance with Section 6.4 Fuels Management of the MSHCP, where applicable.

27-27. The comment expresses concern about post-buildout domestic cat predation on various bird, reptile, and small mammal species covered by the MSHCP and requests mitigation for cat-proof barriers. Impact BIO-6 was identified on DEIR pages 5.3-34 and 5.3-56, which disclosed potential issues related to encroachment of development within the Project site. Per the Wildlife Agencies comment and request, the discussion under the heading "Potential Impacts to Special Status Plants and Wildlife" in Section 5.3.6.2, Operational Impacts, on page 5.3-34 is amplified by the addition of the following sentence as shown below in the response to Comment 27-32:

Domestic cats may also pose a potential hazard to species where residential areas are situated adjacent to conservation areas.

Additionally, the following mitigation measure MM BIO-8 has been added; and mitigation measures previously identified as MM BIO-8 and MM BIO-9 have been renumbered as MM BIO-9 and MM BIO-10, respectively.

MM BIO-8 To reduce the impact of domestic cats on special status species in the conservation areas, cat-proof barriers shall be erected between future implementing residential development projects and any conservation area that exists at the time of development. The barrier should consist of a minimum 8-foot tall fencing made of secure materials that cats cannot scale placed along the entire boundary adjacent to the conservation areas to prohibit movement of people and pets from residential and recreational areas into the conservation area. No section of the barrier should include clear panels or sections such as glass or plastic as these are a hazard to birds, which may fly into them and perish.

27-28. The comment states that the EIR should include an analysis of noise and light impacts on wildlife, and reference the Urban/Wildlands Interface (MSHCP, § 6.1.4) as a local regulatory requirement in EIR Section 5.3.4.3. Potential impacts on wildlife were analyzed in DEIR Section 5.3.6.2, which has been amplified for clarity as described in response to Comment 17-34. The following revision to the last sentence under the heading "Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)" in Section 5.3.4.3 of the DEIR is hereby made in order to amplify the discussion on regulatory setting per the Commenter's request:

The City assists in processing projects consistent with the Plan, including review through the City of Lake Elsinore Acquisition Process (LEAP) and pursuant to Section 6.0 of the MSHCP. Consistency reviews for proposed development within Criteria Cells also require a Joint Project Review with the Regional Conservation Authority. Plan wide MSHCP requirements for implementing development projects include the following: Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4). MSHCP Section 6.1.4 Urban/Wildlands Interface also contains provisions for development to address impacts from drainage, toxics, lighting, noise, invasive species, barriers (for restricting public access, domestic animal predation, illegal trespass and dumping), and grading/land development on MSHCP conservation areas.

Section 5.3.6.2 has also been revised per this comment shown below. Please also note that Figure 3-4 has been revised to include portions of the western shoreline/existing levee in Planning Areas 5 and 6 within the specific plan boundary, consistent with the current specific plan boundary. In response to public and agency comments, this additional area has been designated as a Preservation/Mitigation use.

There is potential for direct and indirect impacts to special status plants and wildlife within the Project site during operation of the proposed Project, which would result from increased encroachment (i.e. offroading) within undeveloped portions of the Project site, as the Project site is made more accessible through installation of new roads, and incremental development of the site. Domestic cats may also pose a potential hazard to species where residential areas are situated adjacent to conservation areas. In addition, as the site is developed, less suitable habitat would remain for those special status species identified as occurring in the Project site. ~~These impacts are anticipated to be less than significant.~~

Much of the proposed planning areas are undeveloped and not lit at night, with the exception of proposed PA-1, PA-4 and portions of PA-2, PA-3 and PA-8. New development may increase the overall level of ambient light at night in areas adjacent to open-space conservation/mitigation areas. Species in these areas may be subject to increased predation from diurnal predators foraging for longer periods with light from adjacent development and increase visual acuity by nocturnal predators without proper shielding or buffers. Indirect noise impacts on adjacent open-space conservation/mitigation areas may also pose a source of nuisance or disruption to wildlife breeding, roosting, nesting and/or foraging activities without proper shielding or buffers.

Direct impacts are anticipated to be less than significant based on the Project's obligation to preserve a minimum of 770 acres of Preservation/Mitigation Areas, as shown on Figure 3-4 Proposed Land-Use Plan, and based on the requirement that future implementing development projects must help meet and manage preservation/mitigation areas per ELSPA No. 11 Section

2.5.4.2. It is further anticipated that managing and policing conserved areas to prohibit illegal offroading and dumping would be facilitated by new development and police and property owner access within the Project site.

Indirect impacts related to drainage, toxics, lighting, noise, invasive species, barriers (for restricting public access, domestic animal predation, illegal trespass and dumping), and grading/land development are anticipated to be less than significant through compliance with MSHCP urban interface requirements detailed in Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface. Furthermore, additional project-specific environmental review per ELSPA No. 11 Section 10.7.2 is required to verify these findings made in this programmatic DEIR prior to future implementing development project implementation. Specific measures to minimize noise impacts may include one or more of the following: setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines. Specific measures to minimize night-lighting impacts may include one or more of the following: directing night lighting away from conservation areas; shielding of lights to ensure ambient lighting in the conservation areas is not increased; use of amber lights; the use of motion sensors and other controls, especially for security lighting, so that lights operate only when the area is occupied by people; surface treatment specifications that minimize glare and sky glow; and always-on security lighting be limited to one low-wattage, fully shielded, full cutoff light fixture at the main entrance to facilities.

27-29. The comment describes potential lighting impacts on conservation areas and says mitigation measures should be developed and included in the EIR to address potential lighting and noise effects. The Commenter's discussion has been used to amplify the discussion on EIR pages 5.3-33 and 5.3-34. Please see above response to comment 27-28. No further response or action is required.

27-30. The comment describes the Department's jurisdiction and responsibilities related to Fish and Game Code Section 1602 and requests mitigation measure "MM BIO-C" be added. Per the Department's request, the following language from proposed MM BIO-C is hereby added as a new mitigation measure MM BIO-9a:

MM BIO-9a Prior to issuance of any grading permit, the project applicant of each future implementing development project shall provide to the City of Lake Elsinore either of the following: Written correspondence from the California Department of Fish and Wildlife stating that notification under Section 1602 of the California Fish and Game Code is not required for the project; or a copy of a Department-executed Lake or Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code, section 1602 resources associated with the project.

27-31. The comment references regulations related to CWA Section 401 certification or waiver, CWA Section 402 National Pollutant Discharge Elimination System (NPDES), CWA Section 404 Permit, and the Municipal Separate Storm Sewer System Permit (MS4) with reference to Total Maximum Daily Loads

(TMDLs). The comment also requests that the "City take measures to coordinate all of the permits and mitigation strategies for activities and construction that discharge into the Lake. The City currently coordinates implementation of all its existing permits and strategies, as cited in this comment. The City's interdepartmental development review process requires projects to comply with NPDES, MS4 and other regulations regarding discharge into the Lake. The City is also an active participant of the Lake Elsinore/Canyon Lake TMDL Task Force. Hydrology and water quality were discussed in DEIR Section 5.8 and mitigation was required. The comment does not relate to the analysis of the DEIR. No further response or action is required.

27-32. The comment describes background information in context of the DEIR's analysis of sensitive and special status species associated with the Project site that are not covered by the MSHCP. The comment is acknowledged and no further response or action is required.

27-33. The comment expresses concern over the need for wildlife (i.e. American white pelican; coast patch-nosed snake; and two-striped garter snake) and sensitive plant species surveys to establish presence/absence and provide appropriate mitigation where necessary. The discussion on sensitive species not covered by MSHCP has been amplified on pages 5.3-33 and 5.3-34 (Please see response to comment 17-35 for revisions). Per the agencies' request, mitigation measure "BIO-D" is hereby incorporated as "MM BIO-3a" as shown below:

MM BIO-3a Prior to issuance of any grading permit, the project applicant of a future implementing development project shall complete systematic wildlife and sensitive plant surveys to document species occurrence. For sensitive species detected onsite, but not covered by the MSHCP, project specific mitigation measures will be included in future specific plan approvals to offset impacts. These measures shall include the preservation of appropriate natural open space areas in perpetuity via a conservation easement and provision of a non-wasting endowment to fund the long-term management by a CDFW-approved local conservation entity. Preservation of open space shall occur at a minimum 1:1 ratio.

27-34. The comment discusses compensatory mitigation for impacts to jurisdictional waters within the Project site. Please see response to comment 27-24. No further response or action is required.

27-35. The comment suggests that proponents of future implementing development projects attend an MSHCP Pre-application meeting to facilitate coordinated mitigation among the Army Corps of Engineers, Regional Water Quality Control Board, Department, and Service for project impacts to jurisdictional waters and MSHCP Riparian/Riverine features. Please see response to comment 27-25. No further response or action is required.

27-36. The comment requests identification of all current mitigation commitments and existing conservation land in the ELSP. Please see response to Comments 27-5, 27-6, and 27-8. In addition, the comment also requests a strategy and or schedule for resolving outstanding mitigation obligations (e.g. restoration and/or to record conservation easements). The City of Lake Elsinore has two outstanding

mitigation requirements that will be re-installed in 2018 in response to resource agency comments. They include:

1. Boat Launch Borrow Site

   CDFW required 5.75 acres of mitigation associated with the Boat Launch borrow site. The land is required to be planted with native vegetation, meet specific growth standards and either be dedicated in fee title or have a conservation easement placed over it. This area was previously planted, with little success. The City will work with CDFW to modify the planting palette and growth standards. As part of the revegetation, the City will remove woody invasive species and record a CE over the area.

   Boat Launch Island Mitigation

   The U.S. Army Corps of Engineers required the preservation of 11.5 acres on the T-Peninsula. The Corps acknowledged that the T-Peninsula is frequently completely inundated. Planting requirements were to be based on a California Rapid Assessment Methodology (CRAM) approach, rather than specific growth standards. The City will conduct an updated CRAM to determine site status and ensure woody invasive species are maintained at less than 5% in the mitigation area pursuant to the Section 404 Permit.

   The Regional Water Quality Control Board required tamarisk removal over both the CDFW and Corps mitigation areas. The actions described above will ensure compliance with the Section 401 Water Quality Certification for the Boat Launch project.

2. Wetlands Enhancement Project

   The State Water Resources Control Board provided a voter approved Proposition-40 Grant of $600,000 to the Lake Elsinore/San Jacinto Watersheds Authority (LESJWA) for the purpose of implementing an efficient and cost effective Best Management Practices (BMP) strategy to help address Lake Elsinore's nutrient Total Maximum Daily Load (TMDL) to improve water quality. The City of Lake Elsinore was the local lead agency for the project.

   The project created 2,800 linear feet of riparian shoreline and approximately 18,000 linear feet of new island shoreline for subsequent planting to expand riparian and aquatic vegetation and wildlife habitat in the existing 356-acre wetlands area. CDFW required that the vegetation installed as part of project meet specific vegetation growth standards for a five-year period. The City will work with CDFW to confirm the current status of the vegetation and discuss any needed remedial measures to meet the requirements of the project's Section 1600 Streambed Alteration Agreement

The City will continue to work with the Wildlife Agencies on this request to resolve outstanding mitigation obligations as a separate effort. No further response or action is required.

27-37. The comment states that "[a]reas considered for addition to the Back Basin 770-acre Plan should be biologically meaningful and contribute to resource protection in the Back Basin. The Wildlife agencies would like the opportunity to assist the City in finding biologically meaningful conservation sites." The comment is acknowledged and the City appreciates the Wildlife Agencies' offer of assistance. As future implementing development projects occur within the ELSP site, the location and presence of resources with biological significance will be a major consideration for developers and the City in identifying additional conservation sites during future environmental review for compliance with CEQA and the MSHCP. No further response or action is required.

27-38. The comment recommends an Open-Space management plan be Drafted and reviewed by the Wildlife Agencies to effectively manage the long-term conservation goals of the 770-acre Plan parcels. This request is beyond the scope and analysis of this Project and EIR; however, the City looks forward to working with the Wildlife Agencies on this request as a separate effort. No further response or action is required.

27-39. The comment states, "[t]he City needs to provide an evaluation of the biological relevancy of the 35-acre T-area set for inclusion in the Back Basin 770-acre Plan." Please see the above response to comment 27-5, 27-12 and 27-36. No further response or action is required.

27-40. The comment requests reference to "Plan Wide MSHCP Requirements" be made in the EIR. The requested references have been added to the regulatory setting section as described in response to comment 27-28. No further response or action is required.

27-41. The comment requests revisions to MM BIO-4 and MM BIO-7. Revisions to the mitigation measures have been made at the Wildlife Agencies' request, with minor revisions, as discussed in response to comments 27-16, 27-17, 27-21 and 27-22. No further response or action is required.

27-42. The comment states "[t]he Revised Draft EIR/FEIR should clearly describe the process for delineating each constituent project's MSHCP Riparian/Riverine Resources and Vernal Pool Resources, the specific impacts to those resources, measures to mitigate those impacts, and, if required by MSHCP standards, the completion of the corresponding DBESP to compensate for impacts to MSHCP Riparian/Riverine Resources and Vernal Pool Resources." Mitigation to address MSHCP related issues is provided on a programmatic level, which is appropriate for this Project. Future implementing development projects will require development-specific environmental review for CEQA and MSHCP compliance, which will include biological resources and jurisdictional waters surveys and preparation of a development-specific DBESP if resources are present and will be impacted. See the above response to comment 27-23. No further response or action is required.

27-43. The comment restates issues raised in Comment 27-14 regarding MSHCP covered roads and infrastructure improvements proposed for Cereal Street and Malaga Road/Sylvester Street. Please see above response to comment 27-14. No further response or action is required.

27-44. The comment restates issues raised in Comment 27-23 about special status species that are not covered by the MSHCP. Please see above response to comment 27-21. No further response or action is required.

27-45. The comment restates issues raised in Comment 27-26 about fire hazards and fuel modification. Please see response to comment 27-26. No further response or action is required.

27-46. The comment states, "[t]he Wildlife agencies recommend that the proposed mitigation ratios in the Draft EIR be removed entirely. Each project will be evaluated individually by the appropriate regulatory agency." Please see above response to Comment 27-24.

27-47. The comment states, "Mitigation Measure BIO-9 concerning tamarisk removal should be revised to avoid impacts to nesting birds." The requested measure to avoid impacts to nesting birds is covered by mitigation measure MM BIO-7; therefore, no further response or action is required per this comment.

27-48. The comment restates issues raised in Comment 27-27 about potential impacts of domestic cats on special status species. Please see response to comment 27-27. No further response or action is required.

27-49. The comment states, "[t]he Draft EIR does not provide the level of detail necessary for the Wildlife Agencies to concur that impacts for the buildout of the ELSP would be reduced to a level that is less than significant. We request the City include our revised and additional mitigation measures, as provided above, in the Revised Draft EIR/FEIR to ensure that future projects built under the ELSP are consistent with the MSHCP and avoid substantial effects to biological resources including listed and special-status species." The Wildlife Agencies' requested mitigation measures have been incorporated into the EIR as described above. No further response or action is required.

27-50. The comment provides contacts for the Wildlife Agencies and references. The comment is acknowledged and no further response or action is required.

Chapter 3: Corrections, Errata and Changes from DEIR

3.1 Introduction

Corrections, errata and changes from the DEIR that are included in this FEIR represent additional information or corrections that do not change the impacts of the proposed Project and/or mitigation measures such that new or more severe environmental impacts result from the proposed Project. Such items are sometimes added as a result of comments received from responsible agencies and the public or are minor corrections or clarifications. These modifications and clarifications are not "significant new information" under Section 15088.5 of the State CEQA Guidelines because they represent minor modifications, clarifications or amplifications to the analysis and significance conclusions already clearly stated in the DEIR. Further, no new issues or additional environmental impacts would result from these changes. Finally, because these additions merely clarify and amplify the discussion in the DEIR, the DEIR has not been "changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the proposed project or a feasible way to mitigate or avoid such an effect. (State CEQA Guidelines Section 15088.5(a)). Accordingly, the responses to comments, corrections, errata and changes, and other material contained in this FEIR do not require recirculation under CEQA (Section 15088.5(b) of the State CEQA Guidelines).

Any changes identified to the mitigation measures described below in Section 3.2 (Corrections/Errata and Changes) are not required to reduce significant impacts to a less than significant level, nor are they imposed due to the discovery of new significant impacts. Instead, the clarifications made to the mitigation measures included in the DEIR provide minor changes that make mitigation clearer and more specific. However, none of these clarified mitigation measures will result in any potentially significant impacts of their own. Accordingly, these clarifications do not require recirculation of the DEIR under CEQA. (See State CEQA Guidelines, Section 15088.5.)

The following discussion presents the location and types of changes or corrections made within the listed sections by this FEIR since the DEIR was published. Those sections of the DEIR not listed below have not been modified. The revisions are presented in a strikethrough/underline format, with underlines being additions and strike-through being deletions.

In addition, reference to the "DEIR" has been updated to "revised DEIR" (Appendix A of this FEIR) within the attached revised DEIR document, where appropriate.

3.2 Corrections/Errata and Changes

0.0 Table of Contents

The revised DEIR table of contents has been updated the current page numbers.

1.0 Executive Summary

Table 1-1, Table 1-2 and Table 1-3 have been revised as described below in Section 3.0 Project Description to reflect inclusion of the shoreline/levee area as Preservation/Mitigation uses within the specific plan boundary.

Tables 1-2 and 1-3 have been changed to reference ~~Skylark Airport~~ as Private Recreational Airport Facility.

Section 1.1.3 Project Phasing and Infrastructure has been revised as described below in Section 3.0 Project Description.

Section 1.4 Impact Summary Table 1-4 was revised to update the Project's following mitigation measures: MM AQ-1, MM AQ-3, MM AQ-4, MM BIO-3a, MM BIO-4, MM BIO-4a, MM BIO-6, MM BIO-7, MM BIO-8, MM BIO-9, MM BIO-10, MM GEO-4, MM GHG-1 and MM HAZ-5. Please see Sections 5.2 Air Quality; 5.3 Biological Resources; 5.5 Geology, Sols and Seismicity; 5.6 Greenhouse Gas Emissions; and 5.7; Hazards and Hazardous Materials for the revised language, respectively.

2.0 Introduction

Table 2-1. Required Approvals (page 2-2 and 2-3), was updated to include the following additional approvals in response to Comment 22-2 received from the Riverside County Flood and Water Conservation District (RCFC&WCD):

Permit/Approval	Agency	Purpose
Encroachment Permits	RCFC&WCD	Work within RCFC&WCD facilities.

Table 2-1. Required Approvals additional edits include the following:

Permit/Approval	Agency	Purpose
Required Approvals Related to the Adoption of ELSPA No. 11		
General Plan Amendment to Land Use & Circulation Elements, Zone Change and Specific Plan Amendment	City of Lake Elsinore	Modify the existing land uses within the current boundary of the existing ELSP; to make minor modifications to the ELSP boundaries and add general plan land use designations for properties removed from the ELSP; amend the circulation element to revise the ELSP backbone roadway. Change the zoning of the Inlet Channel from Auto Center Drive (north) to the Lake (west) into the ELSP Project site from F (Floodway) to SP (Specific Plan). Change the zoning of the two Limited Industrial properties along Corydon that are being removed from the ELSPA 11 Project site from SP (Specific Plan) to M-1 (Limited Manufacturing). This zoning is the same as that of the adjacent developed properties that are not within the East Lake Specific Plan.
Required Approvals Related to Future Implementing Development Projects (Where Applicable)		

Water Quality Management Plan (WQMP)	City of Lake Elsinore	Construction and operation water pollution control
Stormwater Pollution Prevention Plan (SWPPP)	City of Lake Elsinore	Construction and operation water pollution control
MSHCP Consistency Determination; MSHCP JPR; MSHCP DBESP; HANS/LEAP process	City of Lake Elsinore and/or RCA and/or California Department of Fish and Wildlife and/or United States Fish and Wildlife Service (Wildlife Agencies)	Project implementation; Major Amendments and/or Minor Amendments to the MSHCP.
Other Discretionary Permit/Approvals Include (Where Applicable)		

The following two additional documents, Appendix F.1 and Appendix K.1, were added to the list of Appendices on page 2-11 as reference documents in response to the Wildlife Agencies Comment Letter 27:

Appendix F.1 California Fish & Wildlife, Lake Elsinore Back Basin Letter, October 17, 2013

[and]

Appendix K.1 East Lake Specific Plan Amendment – Potential Impact to Traffic Analysis (Changes to Roadway Classifications) memorandum

3.0 Project Description

Total approximate acreage for the specific plan boundary has been revised on page 3-1 (and throughout the revised DEIR) from ~~2,950 acres~~ to 2,977 acres to account for inclusion of the eastern lake shoreline/levee within the specific plan boundary, consistent with the existing adopted specific plan boundary Amendments 1 through 10. The inclusion of this area has been made to the revised DEIR Figure 3-2 Vicinity Map and DEIR Figure 3-4 Proposed Land Use Plan. In response to agency and public comments, this area has been designated for Preservation/Mitigation. Figure 1 shown below is included in the revised DEIR as Figure 5.3-1a and is included in this FEIR to document the revisions made to the Project boundary described here and below.

Figure 3-4 has also been revised to show that mixed-use development is allowed in a portion of Planning Area 3 within the Mixed-Use Overlay and to show a minor adjustment to the Airport Overlay boundary.

Table 3-1 Preservation/Mitigation land use development targets have been revised to include the western shoreline/levee within the specific plan boundary, consistent with the existing adopted specific plan Amendments 1 through 10 as follows:

Preservation/Mitigation[7]	~~815.18~~ 835.0 acres minimum

Figure 3-3, Existing Land Use Plan has been revised to more accurately reflect existing land use designations by distinguishing between areas designated as “Open Space” and “Recreation” uses shown in the revised DEIR and the from the same area collectively referred to only as “Open Space” in DEIR Figure 3-3.

Figure 1. Added Shoreline/Levee Area in PA 5 and PA 6

Added Shoreline / Levee Area, Figure 1

Section 3.3.1 has been revised to include additional background information regarding previously adopted amendments as follows:

- Amendment No. 6: Approved in July 2004, Amendment No. 6 redistributed land uses and eliminated a portion of the circulation loop within Phase I. Amendment No. 6 also reduced the overall residential yield of the ELSP from 9,000 dwelling units in the original Specific Plan to 7,975 dwelling units. Amendment No. 6 consists of a large portion of land that was previously modified by Amendment Nos. 1 and 2. An Erratum to Amendment No. 6 was approved on April 26, 2016, which changed the land use designation of lot 18 from RES-1 to RES-2, revised the lot boundary between lots 18 and 19, and modified development standards.

Section 3.4.2 has been updated to include additional language and Figure 3-4a as follows:

> Figure 3-4a depicts, the 11 acres added to proposed Planning Area 5 and 14.2 acres added to proposed Planning Area 6 to account for inclusion of the eastern lake shoreline/levee within the specific plan boundary, consistent with the existing adopted specific plan boundary Amendments 1 through 10. This area was designated as Preservation/Mitigation area in response to public and agency comments submitted on the Draft Environmental Impact Report (DEIR).

Table 3-2 acreages for Planning Area 5 and Planning Area 6 have been revised as follows to reflect inclusion of the shoreline/levee area as Preservation/Mitigation uses within the specific plan boundary as shown on Figure 1 above.

Planning Area 5	**~~422.6~~ 433.6**	
Preservation/Mitigation[12]		~~422.6~~ 433.6
Planning Area 6	**~~425.2~~ 439.4**	
Active Recreation 1 Uses[4,6,10]		0-1
Active Recreation 2 Uses[5,7,10]		0-1
Action Sports 1 Uses[6,8]		1
Action Sports 2 Uses[6,9]		1
Outdoor Concert Venue (10,000 attendees maximum)[6, 11]		0-1
Commercial		10,000 sq.ft.
Hotel[1]		1 (150 rooms)[1]
Restaurants		7,500 sq.ft.
Preservation/Mitigation[12]		~~70.18~~ 84.38 acres

Table 3-2 has been changed to reference ~~Skydive Airport~~ as Private Recreational Airport Facility.

Table 3-2, “NOTES” bullet 1 has been revised as follows:

[1] Maximum total of 4 hotels ~~with a maximum of 540 rooms~~. Each individual hotel may exceed the number of rooms identified; provided however that the total number of hotel rooms within the East Lake Specific Plan does not exceed 540 rooms.

Section 3.4.3 on has been revised as follows:

Table 3-3, East Lake Specific Plan Phasing, shows the anticipated development of the Project site taking place in two phases. However, the two phases do not necessarily indicate the sequence in which the East Lake Specific Plan will build out. For example, development identified in Phase 2 may actually develop prior to or concurrently with development identified in Phase 1. Development will occur in response to market demands and in accordance with the installation of infrastructure necessary to serve the development, including but not limited to roadways, public utilities including sewer availability, and regional drainage facilities[1]. ~~These~~ The two phases are briefly described as follows[…]

Development proposals will be evaluated for potential environmental impacts in accordance with the provisions of Section 10.7.2 of the ELSPA No. 11.

Table 3-3 acreages for Planning Area 5 and Planning Area 6 have been revised as follows to reflect inclusion of the shoreline/levee area as Preservation/Mitigation uses within the specific plan boundary as shown on Figure 1 above.

Planning Area 5	**~~422.6~~ 433.6**		
Preservation/Mitigation[12]		~~422.6~~ 433.6 acres	
Planning Area 6	**~~425.2~~ 439.4**		
Active Recreation 1 Uses[4,6,10]		0-1	
Active Recreation 2 Uses[5,7,10]		0-1	
Action Sports 1 Uses[6,8]		1	
Action Sports 2 Uses[6,9]		1	
Outdoor Concert Venue (10,000 attendees maximum)[6, 11]		0-1	
Commercial			10,000 sq.ft.
Hotel[1]			1 (150 rooms)
Restaurants			7,500 sq.ft.
Preservation/Mitigation[12]		~~70.18~~ 84.4 acres	

Table 3-3 has been changed to reference ~~Skydive Airport~~ as Private Recreational Airport Facility.

Table 3-3, "NOTES" bullet 1 has been revised as follows:

[1] Maximum total of 4 hotels ~~with a maximum of 540 rooms~~. Each individual hotel may exceed the number of rooms identified; provided however that the total number of hotel rooms within the East Lake Specific Plan does not exceed 540 rooms.

Section 3.4.4.4 has been revised as follows:

Negotiations between the County of Riverside, the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife in 2004 resulted in ~~an agreement~~ a plan to preserve 770 acres of the Back Basin portion of the Project site as open space ("770 Plan").

Section 3.4.4.5 has been revised as follows:

Summerly Residential Neighborhood (TR 31920-1 through ~~-16~~ -25)

[and]

City Council approved Amendment No. 10 of the ELSP, which increased the maximum number of dwelling units in this area to 1,979. Amendment No. 10 was adopted by Ordinance 2013-1316 on August 27, 2013. An Erratum to Amendment No. 6 was approved on April 26, 2016 which changed the land use designation of lot 18 from RES-1 to RES-2, revised the lot boundary between lots 18 and 19, and modified development standards.

[and]

The Summerly Residential Neighborhood as implemented by TTM 31920 includes ~~one~~ two residential ~~density~~ densities, recreational facilities, landscaping lots and public streets.

Section 3.4.4.6 has been revised as follows:

The Airport Overlay designation identifies the ~~potential~~ lands in Planning Area 3 ~~to relocate the existing Skylark Airport, as proposed~~ shown as a private recreational airport facility in the original ELSP adopted in 1993.

Section 3.5 has been revised as follows:

- Designate Cereal Street, Lucerne Street and Malaga Road/Sylvester Street as ~~Major Streets~~ Collector/Modified Collector Roadways.

4.0 Impacts Determined Less Than Significant

No Corrections, Errata or Changes were made to Section 4.0 of the DEIR.

5.1 Aesthetics

The following minor corrections were made to Section 5.1.5 and 5.1.5.2, respectively:

Although the Project would alter a portion of these views of the site and surrounding area, the Project would not result in a substantial degradation or change in character of those views when taking the substantial acreage of remaining preservation/mitigation areas and the surrounding urbanized context of the site into consideration.

[and]

Implementation of the Project would permanently alter the nature and appearance of the site; however, the Project would be compatible with surrounding development given the similar nature of proposed uses ~~as~~ on the site as compared to existing uses of neighboring parcels.

5.2 Air Quality

Section 5.2.9 has been revised in response to Comment Letters 16 and 17 to amplify mitigation measure MM AQ-1 to include the following additional requirement under new bullet 23:

23. Require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export), and if 2010 model year or newer diesel haul trucks cannot be obtained, the City shall require use of trucks that meet EPA 2007 model year NOx emissions requirements. Example verification includes making this provision a part of the construction contractor's bid package, construction contract, or hauling permit.

Additional development requirements that have been incorporated into the revised ELSPA No. 11 in response to Comment Letters 16 and 17 include the following:

f. All new multi-family residential, commercial and industrial development shall include solar photovoltaic systems that meet at least 50 percent of the development's projected energy use.

[and]

h. All non-residential development shall install electric vehicle charging stations at a minimum of five percent (5%) of its parking spaces.

Section 5.2.9 has been revised in response to Comment Letters 16 and 17 as follows:

MM AQ-3 Prior to issuance of a building permit for new implementing development projects within the East Lake Specific Plan, the applicant shall demonstrate that the following measures to conserve energy have been incorporated into building design:

1. Submit plans demonstrating that any new residential buildings ~~shall exceed those California Title 24 energy efficiency requirements in effect at the time of building permit issuance.~~ achieve 15% energy efficiency above 2016 Title 24,

Part 6 for projects after 2018 and 25% energy efficiency above 2016 Title 24 for projects after 2020.

2. Submit plans demonstrating that any new commercial buildings shall include the following green building design features:
   a. ~~Utilize~~ Low-E and ENERGY STAR windows~~ where feasible~~;
   b. ~~Install h~~High-efficiency lighting systems and incorporate advanced lighting controls, such as auto shut-offs, timers, and motion sensors;
   c. ~~Install h~~High R-value wall and ceiling insulation; and,
   d. ~~Incorporate u~~Use of ~~low pressure sodium and/or~~ fluorescent lighting and/or LED lighting~~, where practicable~~.
3. Require acquisition of new ENERGY STAR qualified appliances and equipment.
4. Implement passive solar design strategies in new construction. Examples of passive solar strategies include orienting building to enhance sun access, designing narrow structures, and incorporating skylights and atria.

[and]

MM AQ-4 Prior to issuance of a building permit for new commercial, multi-family residential and mixed-use implementing development projects within the East Lake Specific Plan, the applicant shall demonstrate on the landscaping plan that the following water and energy conservation measures have been incorporated:

1. ~~Participate~~Participation in green waste collection and recycling programs for landscape maintenance with designated green waste collection and storage areas and~~/or identification of potential~~ use of vendors that provide green waste collection and recycling services during operation of future development projects;
2. ~~Require u~~Use of landscaping with low water requirements in accordance with the City of Lake Elsinore's Water Efficient Landscape Requirements Ordinance (Lake Elsinore Municipal Code Chapter 19.08);
3. Planting of trees or vegetation to shade buildings and thus reduce heating/cooling demand.

5.3 Biological Resources

Section 5.3 has been revised to refer to the 770 ~~Agreement~~ as the 770 Plan for document consistency.

Section 5.3.1 has been revised as follows:

The findings and recommendations presented in the Technical Report are summarized in this section. The Technical Report is included as Appendix F of the DEIR. Figure 3-4a, found in Section 3 Project Description, depicts the 11 acres added to Planning Area 5 and 14.2 acres added to Planning Area 6 to account for inclusion of the eastern lake shoreline/levee within the

specific plan boundary, consistent with the existing adopted specific plan boundary Amendments 1 through 10. This area was designated as preservation/mitigation area in response to public and agency comments submitted on the DEIR. Section 5.3 figures have not been revised to include this area within boundary line; however, the tables have been revised to reflect updated acreages and noted where applicable.

Section 5.3.2 has been retitled as ~~Existing Conditions~~ Environmental Setting.

Section 5.3.3 has been updated in response to Comment 27-18 as follows:

Two BUOWs were observed within the Project site during the VCS survey. Each BUOW was observed at a burrow with characteristic sign of BUOW occupation/use. The Project site is considered to host suitable habitat for BUOW. The two burrowing owls were not observed within the Infrastructure Improvement Areas. Given the phased development timing of the project and the fluctuating nature of burrowing owl populations, the number of burrowing owls occupying the site may change over time as local populations and environmental conditions fluctuate. Therefore, although only two BUOWs were observed during the VCS survey, the proposed project may impact and require mitigation measures for more, or less, than the two BUOW individuals observed during the Project's surveys.

Section 5.3.3 has been updated with 2 additional figures and the following text taken from the Appendix F, *Biological Technical Report* in response to Comment 17-29:

Soils Mapping

The United States Department of Agriculture Natural Resources Conservation Service lists 43 soil types (series) for the Survey Area (Figures 5.3-2a and 5.3-2b shown above). The soil types within the Survey Area are predominantly loams ranging from rocky to silty in texture and many saline-alkaline. The MSHCP identifies two general classes of soil known to be associated with listed and sensitive plant species in certain regions of the MSHCP Plan Area, including clay soils and Traver-Domino-Willows association soils [clay soils digitized within the MSHCP Plan Area included the Bosanko, Auld, Altamont, and Porterville series].

The Traver-Domino-Willows association includes saline-alkali soils largely located along floodplain areas of the San Jacinto River (including the inlet to Lake Elsinore). Sensitive plants supported by the Traver-Domino-Willows soil association include two federally-listed species: San Jacinto Valley crownscale (Atriplex coronata var. notatior) and spreading navarretia (Navarretia fossalis). Other sensitive plant species found in this association include Parish's brittlescale (Atriplex parishii), Davidson's saltscale (Atriplex serenana var. davidsonii), and vernal barley (Hordeum intercedens).

Please see below for the soil type descriptions for the five soil types mapped within the Survey Area considered MSHCP sensitive:

Domino Silt Loam (Dw) [0.5% Survey Area]

The Domino series consists of moderately deep, moderately well drained soils over limecemented hardpans. Domino soils are in basin areas and have slopes up to 2 percent. The Domino soil mapped is located in the southern portion of the Survey Area. A majority of mapped Domino soil has been developed (residential development).

Traver Loamy Fine Sand, eroded (Tp2) [2.2% Survey Area] and Traver Loamy Fine Sand, salinealkali (Tr2) [8.3% Survey Area]

The Traver series is a member of a coarse-loamy, mixed, thermic family of Natric Haploxeralfs. The soils have light brownish gray, calcareous, fine sandy loam A horizons, light brownish gray, calcareous, fine sandy loam Bt horizons which overlie very pale brown, calcareous fine sandy loam C horizons. The alluvium is from granitic bedrock. The Traver soils are located in the southern and north portions of the Survey Area.

Willows Silty Clay, saline-alkali (Wm) [0.0% Survey Area] and Willows Silty Clay, strongly salinealkali (Wn) [0.2% Survey Area]

Willows Silty Clay is a silty clay soil typically associated with basin floors with slopes up to 2 percent. The alluvium is typically derived from mixed sources. These poorly draining soils are slightly to strongly saline in nature. The areas mapped within the Survey Area as Willows Silty Clay have been developed (residential development).

Soils considered MSHCP sensitive within the Infrastructure Improvement Area include the Traver Loamy Fine Sand, eroded (Tp2) and Traver Loamy Fine Sand, saline-alkali (Tr2).

Section 5.3.3 Table 5.3-1. Waters of the United States within the Project Site has been updated as follows:

Table 5.3-1. Waters of the United States within the Project Site

Feature*	Total Acreage
Below Elevation 1246’	--
Other WoUS	0.09
Potential Wetlands	27.90
Mitigation Areas***	~~345.72~~ 370.92
Above Elevation 1246’	--
Other WoUS	2.32
Potential Wetlands	28.98
Mitigation Areas	379.70
Totals	--

Feature*	Total Acreage
Below Elevation 1246'	688.88
Other WoUS**	2.41
Potential Wetlands**	53.88
Mitigation Areas***	~~725.00~~ 750.02

*includes the Infrastructure Improvement Areas.

**includes overlap with the Below Elevation 1246' feature.

***Includes Added Shoreline/Levee Area shown in Figure 3-4a although portions of Levee may have actual elevations above 1246'.

Section 5.3.3 Table 5.3-3. Waters of the State within the Project Site has been updated as follows:

Table 5.3-3. Waters of the State within the Project site

Feature*	Total Acreage
Below Elevation 1265'	2,615.40
Rivers, Streams, or Lakes	2.59
Riparian/Potential Wetland	51.39
Mitigation Areas***	~~707.74~~ 732.94
Above Elevation 1265'	--
Rivers, Streams or Lakes**	1.96
Riparian/Potential Wetland	5.33
Mitigation Areas	17.67
Totals	--
Below Elevation 1265'	2,279.04
Riverine**	4.55
Riparian/Potential Wetland**	56.72
Mitigation Areas***	~~725.00~~ 750.02

*includes the Infrastructure Improvement Areas.

**includes overlap with the Below Elevation 1265' feature.

***Includes Added Shoreline/Levee Area shown in Figure 3-4a although portions of Levee may have actual elevations above 1265'.

Section 5.3.3 Table 5.3-5. Riparian/Riverine within Project site has been updated as follows:

Table 2.3-5. Riparian/Riverine within Project site

Feature*	Total Acreage
Riverine**	4.55
Riparian**	56.72
Mitigation Areas***	~~725.00~~ 750.02
Tamarisk Scrub**	342.84

*includes the Infrastructure Improvement Areas.
**includes overlap with the Below Elevation 1265' feature.
***Includes Added Shoreline/Levee Area shown in Figure 3-4a. This area may contain areas that do not meet the Riparian/Riverine criteria as defined by the MSHCP.

Section 5.3.4.3 has been revised in response to comments received in Letters 17 and 27 as follows:

[…]The City assists in processing projects consistent with the Plan, including review through the City of Lake Elsinore Acquisition Process (LEAP) and pursuant to Section 6.0 of the MSHCP. Consistency reviews for proposed development within Criteria Cells also require a Joint Project Review with the Regional Conservation Authority. Plan wide MSHCP requirements for implementing development projects include the following: Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4). MSHCP Section 6.1.4 Urban/Wildlands Interface also contains provisions for development to address impacts from drainage, toxics, lighting, noise, invasive species, barriers (for restricting public access, domestic animal predation, illegal trespass and dumping), and grading/land development on MSHCP conservation areas.

Back Basin 770 ~~Agreement~~ Plan

In 2003, when the draft MSHCP mapping was first released to the public, the original cell criterion for the Back Basin was not acceptable to the City of Lake Elsinore because it would have created severe economic impacts to the City based on its effect on the longstanding Lake Elsinore East Lake Specific Plan. To rectify this situation, a series of meetings were held between the City of Lake Elsinore, Jim Bartel of the U.S. Fish and Wildlife Service (USFWS), Ron Rempel of the CDFW and staff and consultants from Riverside County and representatives of Laing-CP Lake Elsinore, who was developing the Summerly project at the time. A letter from CDFW to Lake Elsinore dated October 2013 provides further information on CDFW's understanding of the history of the 770 Plan (Included as Appendix F(1)).

As a result of the City's discussions with the agencies, it was determined that conservation in the Back Basin was not tied to protection of specific habitat or wildlife movement corridors, but rather to the need to conserve a minimum of 770-acres in the Back Basin in order to meet the numeric requirements for the MSHCP (Back Basin 770 ~~Agreement~~Plan). As described in CDFW's October 2013 letter to the City (Appendix F (1)), conservation in the ELSP site conservation lands used to achieve the 770 Plan should target lands that benefit shorebirds or wetland/marsh associated species, vernal pool species, sensitive plant species, and/or Planning Species for Subunit 3 and Proposed Extension of Existing Core 3, as described in the MSHCP. All lands should be managed consistent with the MSHCP and protected, in perpetuity, and will be reviewed and approved by CDFW, USFWS, and RCA. Several specific geographic areas in the Back Basin have been previously identified for conservation toward fulfillment of the 770-acre requirement, including Planning Area 5, most of Planning Area 7, and smaller portions of other Planning Areas as Preservation/Mitigation Areas. These areas are depicted as "Mitigation Area" on Figure 5.3-1 and described in more detail in ELSPA No. 11 Section 2.5.4 which provides the following description of the currently identified areas:

Wetland Mitigation Area

Within Planning Area 5 is the commonly referred to "356-acre Wetland Mitigation Area" which is actually approximately 369.3 acres in size. This area contains the existing U.S. Army Corps of Engineers' man-made wetlands created as part of the Lake Elsinore Management Project. The wetlands provide habitat for birds, small mammals, reptiles and amphibians. No development shall occur within the Wetland Mitigation Area except for those improvements that are necessitated to implement the Lake Elsinore Management Project, as permitted by the U.S. Army Corps of Engineers or to enhance the existing 356-acre Wetland Mitigation Area.

San Jacinto River Corridor and River/Lake Corridor

Located within the Links at Summerly Golf Course in Planning Area 1, the approximately 25-acre San Jacinto River Corridor follows the historic drainage course of the river and provides an approximately 200-foot wide wetlands and wildlife corridor function. This corridor is separated from urban land uses to enhance its biological value and wetlands function.

In addition to the 25-acre San Jacinto River Corridor, an approximately 10-acre, 165-foot wide River/Lake Corridor wetland is located on the western edge of Planning Area 1, adjacent to Planning Area 6.

Lake Elsinore Inlet Channel

As part of the Lake Elsinore Management Project, the U.S. Army Corps of Engineers created a "lake type inlet" with the purpose of conveying discharge from the San Jacinto

River into Lake Elsinore. The 130-acre inlet channel and portion of the San Jacinto River are located in Planning Area 7 and are designated as a Preservation/Mitigation Area. Recreational water sports will continue to be allowable uses within the inlet channel.

"Australia" Vernal Pool Mitigation Area

Located within Planning Area 7, the City-owned 33-acre preservation area contains the "Australia" shaped vernal pool and additional mitigation capability for sensitive plant species.

11.66-acre TR 30846 (Serenity Park)

The 11.66 mitigation area located at the southeast corner of the Eastlake Specific Plan between Corydon and Skylark, which was dedicated as part of the Serenity Project.

"T" Peninsula Area

The 11.5-acre mitigation area located at the end of the "T" Peninsula in Planning Area 6 will be used to provide biological habitat functions and will be conserved and managed in accordance with the adopted Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Open Space Buffers

Located along the southerly boundary of Planning Area 1, an approximately 71-acre open space buffer separates the Summerly Residential Neighborhood and The Links at Summerly golf course from the 356-acre Wetland Mitigation Area immediately to the south of Planning Area 1. It will provide drainage, flood retention and biological habitat functions.

An additional open space buffer to separate the 356-acre Wetland Mitigation Area from adjacent uses has been included in the ELSP as follows:

- City-owned land along the southern edge of Planning Area 5 between the 356-acres and the southwestern boundary of the ELSP. (Approximately 48 acres)

Additionally, future implementing development projects within the Project site may help to achieve the 770-acre requirement by dedicating acreage for managed open space as biological mitigation, consistent with Section 2.5.4.2 of the SPA.

In addition, all future implementing development projects within the Project site would ensure consistency with the MSHCP by obtaining a consistency determination and any other additional approvals required by the MSHCP, including processes such as the City's implementation of the

HANS (Habitat Evaluation and Acquisition Negotiation Strategy) process known as the LEAP process, when appropriate. Applicable plan-wide requirements may include:

- Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2),
- Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3),
- Additional Survey Needs and Procedures (MSHCP, § 6.3.2),
- Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4),
- Vegetation Mapping (MSHCP, § 6.3.1) requirements,
- Fuels Management Guidelines (MSHCP, § 6.4), and Payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4).

Section 5.3.6.1 has been revised in response to comments received in Letters 9, 17 and 27 as follows:

Potential Impacts to Special Status Wildlife

Of the federal and state endangered or threatened species with potential to occur within the Project site, the western snowy plover is the only species not covered under the MSHCP. ~~Based on the lack of recent observation (within the last 40 years), it is unlikely the species would occur in the Project site. Although occurrence of western snowy plover is unlikely, any potential for impacts to this species during construction of future implementing development projects would be minimized through implementation of MM BIO-7, which requires all future implementing development projects in the Project site to complete a pre-construction nesting bird survey prior to clearing and grubbing activities within the Project site. Therefore, potential impacts to western snowy plover would be less than significant.~~ Figure 8 of the Biological Technical Report shows historical CNDDB occurrences of plover around the Lake shoreline, consistent with the July 2016 sitings (eBird, https://ebird.org/ebird/hotspot/L1743855). As shown in Figure 3-4, Land Use Plan, the proposed development areas avoid lake shoreline areas by preserving proposed Planning Area 5, Planning Area 7 and approximately 50 percent of the "T Peninsula" in Planning Area 6. Implementation of MM BIO-7 for preconstruction nesting bird surveys and avoidance of development in these areas would ensure potential short-term and long-term impacts to western snowy plover are less than significant. In addition, future implementing development projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

Impact BIO-4 *Construction of future implementing development projects including clearing, grubbing, and demolition activities ~~would~~ may result in ~~less than significant~~ impacts to western snowy plover and other nesting birds in the Project site.*

Three additional special status wildlife with potential to occur in the Project site are not covered by the MSHCP including:

- American white pelican: potential nesting grounds and foraging habitat are not expected to be directly impacted by development within the Project site due to the designated preservation/mitigation areas in Planning Areas 5, 6 and 7 and due to avoidance of shoreline development. In addition, although potential roosting and breeding habitat occurs along the avoided shoreline areas, Lake Elsinore is considered more of a stopover location for migrating pelicans rather than a roosting/breeding ground because the species requires safe roosting and breeding places in the form of well-sequestered islets. Therefore, no direct and no significant indirect impacts are expected based on the general avoidance of shoreline and designated preservation areas that will provide adequate habitat and buffer distances between any potential birds and development. ~~, and less than significant impacts would result from the Project~~. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

- Coast patch-nosed snake: potential loss of suitable habitat for this species, which typically includes semi-arid brush areas, canyons, rocky hillsides, and plains would result from the Project. ~~With implementation of the MSHCP conservation requirements~~, However, suitable habitat for the coast patch-nosed snake would be preserved within ~~the Back Basin~~ Preservation/Mitigation Areas, as shown on Figure 3-4 Proposed Land Use Plan, designated for achieving MSHCP conservation goals of the Back Basin 770 Plan. Preserved suitable habitat would include part of those currently identified mitigation areas associated with the Summerly development known as the "25-acre site" – upstream area and slopes in the "10-acre site" (semi-arid brush); along Rome Hill (rocky hillside) and other areas that fall into that classification (the slopes in the future "71-acre site" plus part of the preservation areas in PA-4, PA-5 and PA-7). Given the potential loss of habitat impacts and implementation of MSHCP Conservation requirements that would retain suitable habitat, impacts to this species would be less than significant. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

- Two-striped garter snake: potential loss of suitable habitat for this species would result from the Project. However, ~~T~~there is a low potential for occurrence onsite or impacts ~~and~~ because suitable habitat is limited to areas adjacent to open water, which would primarily include areas along the Lake shoreline and San Jacinto River inlet channel that are to remain undeveloped. No other open water areas have been observed in the survey area. Given the limited potential for direct impact and no significant indirect impacts expected to this species per the Technical Report, the minimal potential loss of habitat would result in a less than significant impact to this

species. In addition, future implementing projects would require project-specific biological surveys and environmental review prior to implementation to verify these findings made in this programmatic DEIR.

Section 5.3.6.2 has been revised in response to Comment 17-34 and 17-36 as follows:

Potential Impacts to Special Status Plants and Wildlife

There is potential for direct and indirect impacts to special status plants and wildlife within the Project site during operation of the proposed Project, which would result from increased encroachment (i.e. offroading) within undeveloped portions of the Project site, as the Project site is made more accessible through installation of new roads, and incremental development of the site. Domestic cats may also pose a potential hazard to species where residential areas are situated adjacent to conservation areas. In addition, as the site is developed, less suitable habitat would remain for those special status species identified as occurring in the Project site. ~~These impacts are anticipated to be less than significant.~~

Much of the proposed planning areas are undeveloped and not lit at night, with the exception of proposed PA-1, PA-4 and portions of PA-2, PA-3 and PA-8. New development may increase the overall level of ambient light at night in areas adjacent to open-space conservation/mitigation areas. Species in these areas may be subject to increased predation from diurnal predators foraging for longer periods with light from adjacent development and increase visual acuity by nocturnal predators without proper shielding or buffers. Indirect noise impacts on adjacent open-space conservation/mitigation areas may also pose a source of nuisance or disruption to wildlife breeding, roosting, nesting and/or foraging activities without proper shielding or buffers.

Direct impacts are anticipated to be less than significant based on the Project's obligation to preserve a minimum of 770 acres of Preservation/Mitigation Areas, as shown on Figure 3-4 Proposed Land-Use Plan, and based on the requirement that future implementing development projects must help meet and manage preservation/mitigation areas per ELSPA No. 11 Section 2.5.4.2. It is further anticipated that managing and policing conserved areas to prohibit illegal offroading and dumping would be facilitated by new development and police and property owner access within the Project site.

Indirect impacts related to drainage, toxics, lighting, noise, invasive species, barriers (for restricting public access, domestic animal predation, illegal trespass and dumping), and grading/land development are anticipated to be less than significant through compliance with MSHCP urban interface requirements detailed in Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface. Furthermore, additional project-specific environmental review per ELSPA No. 11 Section 10.7.2 is required to verify these findings made in this programmatic DEIR prior to future implementing development project implementation. Specific measures to minimize noise impacts may include one or more of the following: setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable

rules, regulations, and guidelines. Specific measures to minimize night-lighting impacts may include one or more of the following: directing night lighting away from conservation areas; shielding of lights to ensure ambient lighting in the conservation areas is not increased; use of amber lights; the use of motion sensors and other controls, especially for security lighting, so that lights operate only when the area is occupied by people; surface treatment specifications that minimize glare and sky glow; and always-on security lighting be limited to one low-wattage, fully shielded, full cutoff light fixture at the main entrance to facilities.

[and]

Potential Impacts to Critical Habitat

Riverside Fairy Shrimp Critical Habitat is located in the Project site within the 33-acre preserved open space (see Figure 5.3-6, Critical Habitat). Direct impacts to Riverside Fairy Shrimp Critical Habitat are identified within the Infrastructure Improvement Areas including 0.28 acre permanent impact~~s~~ and 0.91 acre temporary impact~~s~~ (total of 1.23 acres). ~~However,~~ These impact calculations account for a worst-case evaluation of potential impacts because they include everything within the Infrastructure Improvement Area study area, which does not account for ultimate roadway widths, alignment or design. ~~in f~~During future final design of the roadway improvements at this location, the City would avoid and minimize these impacts to the maximum extent practicable. If avoidance is not possible, mitigation measure MM BIO-6 requires focused surveys be conducted to determine presence/absence of Riverside fairy shrimp within the Infrastructure Improvement Areas. If fairy shrimp are present, the City shall determine whether avoidance can be achieved. If not, mitigation measure MM BIO-6 would require 90 percent of the occupied portions of the property that provide for long-term conservation value for the fairy shrimp to be conserved consistent with the MSHCP. ~~No indirect impacts due to the Infrastructure Improvements are expected with the implementation of MSHCP urban interface requirements.~~ Direct impacts to the Riverside Fairy Shrimp Critical habitat, to the extent it occurs, would be considered less than significant if in-kind replacement within the Back Basin occurs, avoidance of Critical Habitat is achieved, or the constituent elements for f~~F~~airy s~~S~~hrimp are documented to be absent prior to these impacts occurring. Furthermore, MSHCP compliance and additional environmental review is required to verify these findings made in this programmatic DEIR prior to future implementing development project implementation.

No indirect impacts due to the Infrastructure Improvements are anticipated with the implementation of MSHCP urban interface requirements detailed in Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface. Compliance with these standard guidelines would ensure indirect impacts from drainage, toxics, lighting, noise, invasives, barriers, and grading/land development are less than significant. Specifically, compliance with drainage and toxics guidelines would ensure less than significant impacts occur to the watershed of any vernal pools that may be found during future implementing development project project-level surveys.

~~Riverside Fairy Shrimp Critical Habitat is located in the Project site within the 33-acre preserved open space (see Figure 5.3-6, Critical Habitat).~~

No additional direct impacts are anticipated to Riverside Fairy Shrimp Critical Habitat. No further direct or indirect impacts to Riverside Fairy Shrimp Critical Habitat are expected to result from the implementation of other future implementing development projects within the Project site.

Section 5.3.6.6 Impact has been revised for document consistency as follows:

Nesting Birds

The Project site contains breeding, nesting and roosting habitat for bird species, in both vegetation and structures. Given the potential for nesting birds throughout the Project site and proposed clearing, grubbing, and other activities proposed, which would disturb nesting activities, potentially significant impacts to nesting birds in the Project site as a result of future implementing development projects would occur. Implementation of **MM BIO-7** for preconstruction nesting bird surveys would ensure potential short-term impacts to nesting birds are less than significant.

Impact BIO-4 *Construction of future implementing development projects including clearing, grubbing, and demolition activities ~~would~~ may result in ~~less than significant~~ impacts to western snowy plover and other nesting birds in the Project site.*

Section 5.3.6.11 has been revised in response to Comment 27-5 as follows:

MSHCP 770

As mapped in Figure 5.3-2, up to 33.02 acres of temporary and permanent impacts to existing mitigation areas in the ELSP may occur as a result of infrastructure improvements. Impact analysis was conservative, assuming the maximum right-of-way width and using a conceptual alignment, both of which may be modified to further avoid and minimize impacts to these mitigation areas during the design of these infrastructure improvements. No other permanent operational impacts to the MSHCP would result from construction of the proposed Project. Currently, the following properties are considered part of the MSHCP 770 Plan:

- The 130-acre Lake Elsinore Inlet Channel
- The 356-acre wetlands
- The 10-, 25-, and 71- acre sites on the Summerly project
- The 33 acres around the "Australia~~n~~" Vernal Pool
- The 11.66 acres at TR 30846 (Serenity Park)

Additional land is proposed to be preserved, ~~including~~which may include all or portions of the following:

- An ~~35~~11.5-acre portion of the "T-Peninsula"
- The City's ownership of 48-acres south of the 356-acre wetlands
- An additional 59 acres around the 356-acre wetlands~~ or 45 acres of the riparian forest in PA 6.~~
- 45 acres of the riparian forest in PA 6
- Portions of additional City-owned land in the Back Basin
- Additional managed open space set aside by implementing development projects as biological mitigation.

The exact final acreage of the above-listed properties has yet to be determined pending preparation and recordation of conservation easements. However, upon following recordation of all conservation easements, the total acreages conserved would total or exceed 770 acres and would fulfill the MSHCP criteria for the Back Basin. These lands would be preserved as development occurs and would be credited as mitigation for development projects in the Back Basin.

Section 5.3.7, Table 5.3-17 includes the following addition in response to Comment 9-80:

RP 1.6	The City shall establish a plan for a trail network intended for active or passive use within public open space areas and traversing around and through MSHCP Conservation areas where compatible with guidelines set forth in the MSHCP and City Council MSHCP policies.	**CONSISTENT.** The ELSP incorporates a portion of the Murrieta Creek Trail and trails along the top of the Lake Elsinore Levee, which are components of the Lake Elsinore Regional Trail, that will connect directly to the internal onsite pedestrian circulation system. The trail, sidewalk, and other pedestrian circulation systems in the ELSP provide connectivity to MSHCP Conservation areas along Lake Elsinore.

Section 5.3.8 has been revised to correct a minor typographical error as follows:

… would ensure that implementation of the GP, and future implementing development projects derived from the GP, would not make a cumulatively considerable ~~accumulate~~ contribution to biological resource impacts within either the Elsinore Area Plan jurisdictional area or the areas covered by the Lake Elsinore and San Jacinto Watersheds.

Section 5.3.9.1 mitigation measure MM BIO-3a has been included in response to Comment Letters 17 and 27 as shown below:

MM BIO-3a Prior to issuance of any grading permit, the project applicant of a future implementing development project shall complete systematic wildlife and

sensitive plant surveys to document species occurrence. For sensitive species detected onsite, but not covered by the MSHCP, project specific mitigation measures will be included in future specific plan approvals to offset impacts. These measures shall include the preservation of appropriate natural open space areas in perpetuity via a conservation easement and provision of a non-wasting endowment to fund the long-term management by a CDFW-approved local conservation entity. Preservation of open space shall occur at a minimum 1:1 ratio.

Section 5.3.9.2 mitigation measures MM BIO-4 and MM BIO-4a have been revised/included in response to Comment Letters 17 and 27 as shown below:

MM BIO-4 ~~Mitigation for impacts to special status plant species caused by development within the Project site will be achieved through compliance with MSHCP requirements. Each development will go through the MSHCP approval process (including required Narrow Endemic and Criteria Area Plant surveys). If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.).~~

~~Surveys for Narrow Endemic and Criteria Area Plant species will occur during the appropriate season within the Infrastructure Improvement Areas. If impacts will occur to Narrow Endemic or Criteria Area plant species identified during the focused surveys, mitigation is proposed to occur in compliance with MSHCP requirements, specifically 90% preservation (translocation may be performed) of the impacted species population either onsite or offsite within a preservation area of the Back Basin. The 90% preservation will be appropriate for the species (i.e. seed collection, soil translocation, etc.) Translocation may occur in preserved open spaces areas.~~

Future implementing development projects within the ELSP will adhere to the MSHCP special status plant species requirements, which include the Narrow Endemic and Criteria Area Plant surveys (NEPSSA and CAPSSA respectively). All surveys will be performed during the time of year specified in the MSHCP. Per the MSHCP, either Equivalency Findings or a Determination of Biologically Equivalent or Superior Preservation (DBESP) will be prepared for each project on which a NEPSSA or CAPSSA species is found during surveys. If 90% of the area with long term conservation value to the NEPSSA or CAPSSA plant species on the project site can be avoided then an Equivalency Finding will be made. If

impacts to more than 10% of the area with conservation value to the plant species is not avoided, then a DBESP will be prepared and provided to the Wildlife Agencies for review and approval.

MM BIO-4a Whenever more than 10% of the area with long term conservation value within a future implementing development project's footprint is affected by that future implementing development project's activities and the DBESP has been prepared and approved, if the mitigation strategy includes translocation and or seed collection with propagation to an on-site or off-site preserved property, the receiving property must be acceptable to the City and Wildlife Agencies. The property shall provide habitat characteristics suitable to support the plant species, including but not limited to: appropriate soils, elevation, hydrology and vegetation community. The property shall be conserved via recordation of a conservation easement or deed restriction in favor of a CDFW-due diligence approved local conservation entity to protect sensitive plant species on the property in perpetuity. Alternatively, the land may be transferred in fee title to a CDFW approved local conservation entity. A management fund shall be established by the Applicant and will consist of an interest-bearing account with the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the conservation area(s), including but not limited to, reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, long-term management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted by the Applicant and approved by the City to determine the management needs and costs described above, which then will be used to calculate the capital needed for the management of the fund. This management fund shall be held and managed by a CDFW-approved local conservation entity. To protect the mitigation area(s), the Applicant shall place appropriate fencing and/or natural barriers and signage around the perimeter of each site. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s), and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials. Mitigation areas can include limited trails to allow passive use of the land, subject to CDFW and City approval. Prior to any ground disturbance, the Applicant shall prepare a Planting Plan (Plan) for sensitive plant species. The Plan shall require a replacement ratio of 1:1 by area, and ensure a minimum 90 percent survivorship at the end of a five-year monitoring period, which shall be verified by the monitoring biologist

(minimum qualifications of the monitoring biologist are specified below). At a minimum, the five-year plan shall include the following information:

a. A description of the existing conditions of the receiver site(s), characterizing the suitability of the site(s) for the plant, and documenting the acreage of the site.
b. A description of how the site will be preserved in perpetuity, e.g., conservation easement, deed restriction, etc., and the name of the CDFW-approved due diligence entity that will hold the easement/deed restriction, etc.
c. Qualifications of the monitoring biologist: At a minimum, the monitoring biologist will possess a minimum of two-year's experience conducting habitat restoration projects in coastal sage scrub, chaparral and/or other native habitat in Riverside County, California.
d. Receiver site preparation for transplanting.
e. Goals for success.
f. Schedule.
g. Propagation techniques.
h. Transplant and seedling installation methods.
i. Plant spacing.
j. Performance criteria for success, including provision for control of non-native and invasive species.
k. Monitoring and reporting procedures for each of the five years of the monitoring period.
l. Adaptive management strategies, including a contingency plan should the site fail to meet the specified success criteria.
m. Maintenance requirements that will be reviewed and approved by the City. The Plan shall also ensure a mixture of both male and female plants (where appropriate).

Section 5.3.9.3 Impact BIO-4 has been revised for document consistency as shown below:

Impact BIO-4 *Construction of future implementing development projects including clearing, grubbing, and demolition activities ~~would~~ may result in ~~less than significant~~ impacts to western snowy plover and other nesting birds in the Project site.*

Section 5.3.9.3 mitigation measure MM BIO-6 has been revised in response to Comment Letters 17 and 27 as shown below:

MM BIO-6 Unless impacts can be avoided, focused surveys conducted pursuant to Appendix E of the MSHCP, Summary of Species Survey Requirements~~should~~ shall be conducted to determine presence/absence of Riverside fairy shrimp within vernal pool habitat. If fairy shrimp are present, the City shall determine

whether avoidance can be achieved. If not, ~~mitigation will be provided at a 2:1 ratio in the form of in kind habitat replacement within the Back Basin , and~~ 90 percent of the occupied portions of the property that provide for long-term conservation value for the fairy shrimp shall be conserved consistent with the MSHCP.

Section 5.3.9.3 mitigation measure MM BIO-7 has been revised in response to Comment Letters 17 and 27 as shown below:

MM BIO-7 The following measures shall be performed by each respective applicant for future implementing development projects prior to clearing and grubbing within the Project site to avoid impacts to burrowing owl and other nesting birds:

- Prior to the commencement of future implementing development project-related activities (including all ground-disturbing activities) during the nesting season of January 1 through September 1, ~~The removal of potential nesting bird habitat will be conducted outside of the nesting season (February 1 to August 31) to the extent feasible. If grading or site disturbance is to occur between February 1 and August 31,~~ a nesting bird survey shall be conducted by a qualified biologist ~~within no~~ not more than 72 hours ~~of~~ prior to ground disturbance activities ~~scheduled vegetation removal~~, to determine ~~the presence of~~ if active bird nests or nesting birds are present. If active nests are identified, the avian biologist will establish appropriate buffers around the ~~vegetation~~ nest (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers will be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The on-site biologist will review and verify compliance with these nesting boundaries and will verify the nesting effort has finished. Work can resume within the buffer area when no other active nests are found. Alternatively, the qualified avian biologist may determine alternate appropriate buffer distances by referencing current species-specific standards, and taking into account the conservation status of the species, species-specific biology, and the nature of the planned disturbance (e.g., driving past a nest versus extensive grading).~~a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.).~~ In either case, the qualified avian biologist shall develop a monitoring plan to ensure that the project complies with all rules and regulations pertaining to nesting birds. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.

If vegetation clearing is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.

- Pre-construction presence/absence surveys for burrowing owl within the Project site where suitable habitat is present shall be conducted by a qualified biologist within 30 days prior to the commencement of ground disturbing activities pursuant to California Department of Fish and Wildlife and MSHCP protocols (Section 6.3.2 of the MSHCP, *Additional Survey Needs and Procedures*). ~~If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum 300 feet) of any active burrow will be halted until that nesting effort is finished. The on-site biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.~~

  If BUOW are found onsite, the Lead Agency shall notify the Wildlife Agencies and the Western Riverside County Regional Conservation Authority (RCA) to develop a conservation strategy including a Burrowing Owl Relocation Plan. If active burrowing owl burrows are detected during the breeding season, the qualified biologist will establish an appropriate buffer (typically a minimum 300 feet) and all work will be halted within the buffer until the biologist observes that nesting efforts have finished. Work can resume in the buffer when no other active burrowing owl burrows nests are found within the buffer area.

- If active burrowing owl burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun, then passive and/or active relocation may be approved with a Burrowing Owl Relocation Plan following consultation with the City of Lake Elsinore, the Wildlife Agencies and the RCA. Passive relocation, the installation of one-way doors, is not recommended unless suitable burrows are available within 100 meters of the closed burrows and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City, the Wildlife Agencies and the RCA for mitigation monitoring

compliance record keeping.

Section 5.3.9.3 new mitigation measure MM BIO-8 has been added in response to Comment Letter 27 as shown below:

MM BIO-8 To reduce the impact of domestic cats on special status species in the conservation areas, cat-proof barriers shall be erected between future implementing residential development projects and any conservation area that exists at the time of development. The barrier should consist of a minimum 8-foot tall fencing made of secure materials that cats cannot scale placed along the entire boundary adjacent to the conservation areas to prohibit movement of people and pets from residential and recreational areas into the conservation area. No section of the barrier should include clear panels or sections such as glass or plastic as these are a hazard to birds, which may fly into them and perish.

Section 5.3.9.4 mitigation measure MM BIO-8 has been renumbered as MM BIO-9 and revised in response to Comment Letter 27-24 as shown below:

MM BIO-~~8~~9: Mitigation for each future implementing development project will be completed prior to or concurrently with Project implementations and will be consistent with the 770~~-acre~~ Plan currently ~~in place~~ developed for the Back Basin.

Impacts to Corps jurisdiction below elevation 1246' and CDFW jurisdiction below elevation 1265' ~~are recommended to be~~ shall be compensated for by the preservation of waters below elevation 1246' and/or 1265' in the confines of the Back Basin or Lake Elsinore at a ratio to be negotiated with USACE and CDFW respectively during the regulatory permitting process for subsequent implementing development projects at a minimum 0.25:1 ratio, except for developed, ruderal, and/or tamarisk scrub areas which may require a lesser ratio pending review and approval of the Corps and CDFW during the regulatory permitting process~~minimum 0.25:1 ratio~~. Impacts to non-wetland WoUS and streambed WoS ~~are recommended to~~ shall be compensated for at a minimum ratio of 1:1 preservation in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP. Impacts to wetland and riparian waters ~~recommended to~~ shall be compensated for at a minimum ratio of 2:1 preservation in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP. Mitigation for non-elevation related impacts to jurisdictional features may be combined with the elevation mitigation areas, due to the significant overlap in these areas in the acreage calculations in the previous sections.

The following tables identify the anticipated minimum mitigation necessary for impacts within the Project site. Each subsequent implementing development project will be evaluated individually by each applicable regulatory agency to determine appropriate mitigation for the project's impacts to jurisdictional resources, based on a case-by-case analysis of the function and value of impacted resources as compared to the function and value of mitigation proposed by the developer.

Table 5.3-18. Compensatory Mitigation for "Other Waters" Impacts within the Project site

Feature*	Impacts	Ratio Multiplier (minimum)	Mitigation Acreage
Non-wetland WOUS	2.41	1	2.41
Potential Wetland WOUS	53.88	2	107.76
Riparian WoS	53.88	2	107.76
Rivers, Streams, or Lakes WoS	3.08	1	3.08
Mitigation Areas	17.01	1	17.01

*includes the Infrastructure Improvement Areas

Table 5.3-19. Compensatory Mitigation for "Other Waters" Impacts within the Infrastructure Improvement Areas

Feature	Impacts	Ratio Multiplier (minimum)	Mitigation Acreage
Non-wetland WOUS	0.00	1	0.00
Potential Wetland WOUS	0.23	2	0.46
Riparian WoS	0.23	2	0.46
Rivers, Streams, or Lakes WoS	0.00	1	0.00
Mitigation Areas	17.01	1	17.01

*see Table 24 below for additional detail regarding habitat types within the 1265' elevation

~~**Table 5.3-20. Compensatory Mitigation for Habitat Impacts within the Project site and Below Elevations 1265' for CDFW and 1246' for USACE**~~

~~Vegetation Communities~~	~~Impacts~~	~~Ratio Multiplier (minimum)~~	~~Mitigation Acreage~~
~~Borrow Site~~	~~11.64~~	~~0.5~~	~~5.82~~

~~Vegetation Communities~~	~~Impacts~~	~~Ratio Multiplier (minimum)~~	~~Mitigation Acreage~~
~~Mitigation Areas~~	~~33.02~~	~~1~~	~~33.02~~
~~Mixed Scrub~~	~~40.43~~	~~1~~	~~40.43~~
~~Mulefat Scrub~~	~~0.63~~	~~1~~	~~0.63~~
~~Ornamental Woodland~~	~~27.00~~	~~0.25~~	~~6.75~~
~~Riversidean Sage Scrub~~	~~12.90~~	~~2~~	~~25.80~~
~~Riversidean Sage Scrub – disturbed~~	~~2.39~~	~~1~~	~~2.39~~
~~Ruderal~~	~~775.53~~	~~0.25~~	~~193.88~~
~~Saltgrass Ruderal~~	~~13.13~~	~~0.25~~	~~3.28~~
~~Southern Cottonwood – Willow Riparian Forest~~	~~6.08~~	~~2~~	~~12.16~~
~~Tamarisk Scrub~~	~~341.48~~	~~0*~~	~~0~~
~~Willow Scrub~~	~~6.81~~	~~1~~	~~6.81~~

~~*See under Riparian/Riverine Areas and Vernal Pools~~

~~The Infrastructure Improvements will result in the following direct impacts to vegetation communities.~~

~~**Table 5.3-21. Compensatory Mitigation for Habitat Impacts within the Infrastructure Improvement Areas and Below Elevations 1265' for CDFW and 1246' for USACE**~~

~~Vegetation Communities~~	~~Impacts~~	~~Ratio Multiplier (minimum)~~	~~Mitigation Acreage~~
~~Borrow Site~~	~~0.57~~	~~0.5~~	~~0.29~~
~~Mitigation Areas~~	~~17.01~~	~~1~~	~~17.01~~
~~Mulefat Scrub~~	~~0.21~~	~~1~~	~~0.21~~
~~Ruderal~~	~~6.51~~	~~0.25~~	~~1.63~~
~~Tamarisk Scrub~~	~~3.11~~	~~0*~~	~~0~~
~~Willow Scrub~~	~~0.03~~	~~1~~	~~0.03~~

~~*See under Riparian/Riverine Areas and Vernal Pools~~

Section 5.3.9.4 mitigation measure MM BIO-9a has been added in response to Comment Letter 27-30 as shown below:

MM BIO-9a Prior to issuance of any grading permit, the project applicant of each future implementing development project shall provide to the City of Lake Elsinore either of the following: Written correspondence from the California Department of Fish and Wildlife stating that notification under Section 1602 of the California

Fish and Game Code is not required for the project; or a copy of a Department-executed Lake or Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code, section 1602 resources associated with the project.

Section 5.3.9.5 mitigation measure MM BIO-9 has been renumbered as MM BIO-10 and revised in response to Comment 27-13 as shown below:

MM BIO-~~9~~10: Mitigation for each future implementing development project will be completed prior to or concurrently with each project's implementation (may require grading to occur to establish mitigation area) and will be consistent with the 770~~-acre~~ ~~mitigation agreement~~ Plan currently ~~in place~~ developed for the Back Basin as well as other requirements as described in Section 2.5.4.2 of ELSPA No. 11.

Removal of tamarisk scrub will be considered a benefit to the Back Basin and no mitigation will be ~~necessary~~ required by the City provided the Tamarisk is eradicated in perpetuity. This means that development of a site that is graded, paved, etc. such that Tamarisk cannot survive, does not need mitigation. If a portion of Tamarisk scrub remains on a project site, the project proponent will be required by the City to establish an endowment to remove/eradicate the Tamarisk in perpetuity. Impacts to riverine and riparian resources will be mitigated in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP. Impacts to riparian resources will be compensated for at a minimum ratio of 2:1 preservation in the Back Basin, Lake Elsinore or other agency-approved mitigation bank or in-lieu fee program within the MSHCP […]

5.4 Cultural, Paleontological and Tribal Resources

No Corrections, Errata or Changes were made to Section 5.4 of the DEIR.

5.5 Geology, Soils and Seismicity

Section 5.5.6.2 has been revised in response to Comment 23-4 as follows:

5.5.6.2 Operational Impacts

The Elsinore fault zone is assumed active within the Project's boundaries. The last recorded ground rupture on the Elsinore fault occurred in 2010 in vicinity of the Laguna Salada segment in Baja California. The last earthquake over magnitude 5.2 along the main trace of the Elsinore fault was a Mw 6 quake near the Temescal Valley in 1910 that produce no known surface rupture. Lesser magnitude earthquakes have occurred along the Elsinore fault zone in 1890, 1918, 1923, 1937, 1954, 1968, and 1982. Therefore, although the Elsinore fault complex is considered active, it is unlikely that the Project site would be subject to surface rupture during a

seismic event. Additionally, the Alquist-Priolo Special Studies Zone for the Wildomar Fault, an Elsinore fault zone strand, is found within ELSPA No. 11 along the southwestern boundary of Planning Area 3, the northeastern boundary of Planning Area 4 and a portion of the southwestern boundary of Planning Area 5. Nonetheless, implementation of mitigation measures **MM GEO-1 through MM GEO-5** would ensure adequate setbacks for habitable structures away from active faults and fissures ***would be required to reduce potential impacts to less than significant levels.***

Section 5.5.7 Goal PS 6 in Table 5.5-1 has been revised in response to Comment 23-4 as follows:

CONSISTENT. Potential seismic impacts are evaluated in the Project's EIR. ~~The Site does not lie within the latest~~ A portion of the Alquist-Priolo Special Studies ~~Zones~~ Zone for the Wildomar Fault crosses the southwestern portion of the Project site. The Project would comply with City and state building and seismic safety requirements that reduce the risk of loss of life, injury, property damage, and economic and social displacement due to seismic and geological hazards.

Section 5.5.9 Mitigation Measure MM GEO-4 has been revised in response to Comment 23-4 as follows:

MM GEO-4 Prior to approval of future implementing development projects within the ESLP and within areas enclosed by the State of California Special Studies maps, a fault hazards investigation shall be conducted by a geotechnical engineer to identify potential hazards onsite associated with the ~~Glen Ivy North~~ Wildomar fault and previously theorized buried en-echelon faults. The geotechnical engineer in coordination with the City shall make design and setback recommendations, where required. Pending results of the investigation, additional evaluation (e.g. fault trenching) may be required by the geotechnical engineer in coordination with the City to ensure engineering design and setback recommendations are site-appropriate.

5.6 Greenhouse Gas Emissions

Section 5.6.1.1 has been revised in response to Comment 17-52 as follows:

The efficiency evaluation consists of comparing the P~~p~~roject's efficiency metric to efficiency targets. Efficiency targets represent the maximum quantity of emissions each resident and employee in the State of California could emit in various years based on emission levels necessary to achieve the statewide GHG emissions reduction goals. A project which results in a lower rate of emissions would be more efficient than a project with a higher rate of emissions, based on the same service population. The metric considers GHG reduction measures integrated into a project's design and operation (or through mitigation). The Project incorporates all applicable elements of the City CAP as Project elements. Since adoption of the CAP, the City has achieved many of the CAP measures and has incorporated many into its ordinances and conditions of approval (DEIR Appendix E, Table 9). However, several CAP measures stipulate future compliance dates that have yet to be achieved. In particular, CAP measures E-1.3 and E-

4.2 offer opportunity for mitigation. This EIR quantifies the following CAP measures as part of the proposed Project's design:

Section 5.6.6.2 has been revised to include a footnote in response to Comment 17-50 as follows:

[2] The approximate 5 percent or less estimate cited here and in Appendix E (Air Quality and Greenhouse Gas Analysis) is based on three other analyses prepared by iLanco Environmental, LLC for residential and commercial developments within the past 5 years; and is provided for informational purposes only and is not used for determination of significance. Construction GHG emissions as a percentage of these projects' total emissions equaled 3 percent, 1 percent and 1 percent. The project exhibiting the highest percentage of GHG emissions at 3 percent was mainly attributed to the intensity of site preparation required, which included demolition, onsite-crushing, import of fill, soil remediation of existing unstable fill, and mass hillside grading.

Section 5.6.6.2 has been revised in response to Comment 17-50 as follows:

As shown above in Table 5.6-3, the Project would exceed the target efficiency metric by 9.3 Mton CO2e/SP in the year 2022 and by 11.5 Mton CO2e/SP in the year 2040. It should be noted; this analysis represents a ~~worst-case scenario~~ conservative analysis, as it does not discount the increased GHG emissions that would result from ambient traffic growth and future development that could occur without the proposed Project under the existing approved specific plan. Based on this conservative analysis, the proposed Project would result in significant unavoidable increased GHG emissions from future operations and construction[...]

Section 5.6.9 has been updated in response to Comment 17-52 as follows:

5.6.9 Impacts and Mitigation Measures

Impact GHG-1 *The Project would allow for new development at the Project site, ultimately resulting in a future operational phase that may exceed the GHG target efficiency metric by approximately 9.3 Mton CO2e/SP in the year 2022 and by 11.5 Mton CO2e/SP in the year 2040. Future construction would also increase GHG emissions by an additional approximately 5% of the total estimated operational phase emissions, which may contribute to an exceedance of the target efficiency metric.*

MM GHG-1 Prior to issuance of a building permit for new implementing development projects within the East Lake Specific Plan, the applicant shall be required to demonstrate compliance with the ~~City of Lake Elsinore's 2011 Climate Action Plan measures as follows~~ following:

1. ~~CAP Measure E-1.3, Energy Efficient Building Standards requires all development projects, after 2020, to achieve 15% energy efficiency above Title 24. Exceedance shall a~~Achieve 15% energy efficiency above 2016 Title 24,

Part 6 for projects after 2018 and 25% energy efficiency above 2016 Title 24 for projects after 2020.

2. ~~CAP Measure E-4.2, Indoor Water Conservation Requirements requires all development projects, after 2020, to reduce indoor water consumption by 30%. Exceedance shall r~~Reduce indoor water consumption by 30% for projects after 2018 and 35% for projects after 2020 above baseline identified in 2016 Title 24, Part 11.

Mitigation measure MM GHG-1 accelerates compliance with CAP Measures E-1.3 and E-4.2 and exceeds the reduction goals stipulated in these CAP measures. Benefits associated with MM GHG-1 are not quantified in the analysis because evaluation of specific mitigation measures would be speculative at the programmatic level. Mitigation measures and impacts following mitigation should be evaluated once project-specific construction information is available.

In addition, implementation of required mitigation measures **MM AQ-1,** and **MM AQ-3** through **MM AQ-5** listed in Section 5.2.9 would reduce GHG emissions during future construction and operations at the Project site as a co-benefit to these measure's intended air quality emission reductions.

Additional development requirements that have been incorporated into the revised ESLPA No. 11 in response to Comment Letters 16 and 17 include the following:

f. All new multi-family residential, commercial and industrial development shall include solar photovoltaic systems that meet at least 50 percent of the development's projected energy use.

[and]

h. All non-residential development shall install electric vehicle charging stations at a minimum of five percent (5%) of its parking spaces.

5.7 Hazards and Hazardous Materials

Section 5.7.9 has been updated in response to Comment 27-26 as follows:

MM HAZ-5 As part of the approval process for a future implementing development project, projects shall be required to demonstrate their avoidance of significant impacts associated with wildfire hazards through implementation of Policies 4.1 through 4.3 of the Wildfire Hazards section of the Public Safety and Welfare chapter of the General Plan. (Ref. General Plan EIR Mitigation Measure MM Hazards 5). In addition, all fuel modification activities for future implementing development projects must be conducted in accordance with Section 6.4 Fuels Management of the MSHCP, where applicable.

5.8 Hydrology and Water Quality

Section 5.8 has been updated throughout to reference "Lake (Lake Elsinore)" to clarify reference to the body of water and not the City.

Section 5.8.2 has been updated in response to Comment 17-62 as follows:

Water Quality

Regionally, the proposed Project lies within the basin of the Santa Ana River that is comprised of several tributary watersheds including the Upper and Lower Santa Ana River Watersheds and the San Jacinto River Watershed (Figure 5.8-2 Hydrologic Resources). Also within the San Jacinto River Watershed, 16 groundwater subbasins have been identified by the Regional Water Quality Control Board (RWQCB, 1984). The Project site lies within the Elsinore groundwater subbasin (Figure 5.8-3 Groundwater Management Zones).

The Federal Clean Water Act (CWA) requires that a list (Section 303(d) list) of water quality limited segments be developed to identify those water bodies that do not meet water quality standards even after point sources of pollution have installed the minimum required levels of pollution control technology. The Lake, which includes the San Jacinto River inlet channel, was identified on the list as impaired for the following pollutants:

- Nutrients – Unknown Nonpoint Source;
- Organic Enrichment/Low Dissolved Oxygen – Unknown Nonpoint Source;
- PCBs (Polychlorinated biphenyls) – Source Unknown;
- Sediment Toxicity – Source Unknown; and
- Unknown Toxicity – Source Unknown.

The City of Lake Elsinore lists the following potential sources of these pollutants:

- discharges from wastewater treatment facilities;
- runoff from homes, forested lands, agriculture, and streets or highways;
- contaminated soils/sediments, legacy contaminants such as DDT and PCBs;
- on-site septic systems; and deposits from the air.

Section 5.8.2 Table 5.8-1 has been updated in response to Comment 26-2 as follows:

Table 5.8-1. Beneficial Uses for Water Bodies with in the Project Site

Water Body	Beneficial Uses
~~Surface Water Body~~Lakes and Reservoirs	
Lake Elsinore	REC1, REC2, WARM, WILD
Inland Surface Streams	
San Jacinto River – Reach 1	MUN, AGR, GWR, REC1, REC2, WARM, WILD
Groundwater Management Zone	

	Elsinore	MUN, AGR, PROC
Definitions		
MUN	Municipal and Domestic Supply (MUN) waters are used for community, military, municipal or individual water supply systems. These uses may include, but are not limited to, drinking water supply.	
AGR	Agricultural Supply (AGR) waters are used for farming, horticulture or ranching. These uses may include, but are not limited to, irrigation, stock watering, and support of vegetation for range grazing.	
PROC	Industrial Process Supply (PROC) waters are used for industrial activities that depend primarily on water quality. These uses may include, but are not limited to, process water supply and all uses of water related to product manufacture or food preparation.	
GWR	Groundwater Recharge (GWR) waters are used for natural or artificial recharge of groundwater for purposes that may include, but are not limited to, future extraction, maintaining water quality or halting saltwater intrusion into freshwater aquifers.	
REC1	Water Contact Recreation (REC1) waters are used for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses may include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing and use of natural hot springs.	
REC2	Non-contact Water Recreation (REC2) waters are used for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water would be reasonably possible. These uses may include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing and aesthetic enjoyment in conjunction with the above activities.	
WARM	Warm Freshwater Habitat (WARM) waters support warm water ecosystems that may include, but are not limited to, preservation and enhancement of aquatic habitats, vegetation, fish and wildlife, including invertebrates.	
WILD	Wildlife Habitat (WILD) waters support wildlife habitats that may include, but are not limited to, the preservation and enhancement of vegetation and prey species used by waterfowl and other wildlife.	
Source: Santa Ana Region Basin Plan, Chapter 3, Table 3-1 (February 2016)		

Section 5.8.5 has been updated in response to Comment 17-75 as follows:

Per the General Plan, Water Resources Policies 4.1, and 4.2 require development projects to obtain an NPDES permit and implement BMPs to reduce the amount of pollutants being discharged into the drainage system and Biological Resources Policies 1.1 through 1.4 call for implementation of the MSHCP to preserve wetlands and natural drainages. In addition, project level assessment must be prepared for any future development for hydrology or groundwater and surface water quality impacts to ensure runoff is adequately retained and treated for pollutants prior to release into the storm water system. Future implementing development projects under the proposed Project would be required to implement an appropriate combination of BMP methods from those listed below based on proposed actions and requirements as described in their project-specific SWPPP and WQMP.

Construction BMPs

- Erosion control – e.g. scheduling work activities; preservation of vegetation; stabilization paths by applying erosion control blankets, check dams, erosion control seeding or alternate methods;

- Sediment Control – e.g. silt fencing, fiber rolls, street sweeping/vacuuming, sand bag barriers, storm drain inlet protection;
- Tracking Control – e.g. street sweeping and vacuuming, stabilized construction entrance;
- Wind Erosion – e.g. high wind work restrictions, watering, soil stabilizers, covers; and/or
- Waste management and materials pollution – e.g. waste management, material management, stockpiles, vehicle storage and maintenance.

Operational BMPs

- Biofilters – e.g. grass swales, grass strips, wetland vegetation swales, and bioretention;
- Detention Basins – e.g. extended/dry detention basins with grass lining and extended/dry detention basins with impervious lining;
- Infiltration BMPs – e.g. infiltration basins, infiltration trenches, and porous pavements;
- Wet Ponds or Wetlands – e.g. permanent pool wet ponds and constructed wetlands;
- Filtration Systems – e.g. sand filters and media filters;
- Water Quality Inlets – e.g. hydrodynamic devices, baffle boxes, swirl concentrators, or cyclone separators;
- Hydrodynamic Separator Systems – e.g. hydrodynamic devices, baffle boxes, swirl concentrators, or cyclone separators; and/or
- Manufactured or Proprietary Devices – e.g. proprietary stormwater treatment devices as listed in the CASQA Stormwater Best Management Practices Handbooks, other stormwater treatment BMPs not specifically listed in this WQMP, or newly developed/emerging storm water treatment technologies.

Section 5.8.5 has been updated in response to Comment 17-64 as follows:

Groundwater Recharge and Supply

~~Per Section 6.2 of the ELSPA No. 11, untreated water from the Lake could be used for sports track and field watering, irrigation of the golf course, parks, streetscapes and other landscaped areas. This concept effectively conserves fresh water supplies for domestic use while serving to replenish the groundwater supply.~~ As discussed in Section 5.15 (Utilities) of this DEIR, local groundwater pumped from Elsinore Valley Municipal Water District's twelve District-owned wells accounted for approximately 33 percent of the District's water supply from 1992 to 2015. (page 5.15-5). Additionally, "[a]lthough the groundwater wells have a total capacity of 20,808 acre-ft/yr, a safe yield from the Elsinore Basin is 5,500 acre-ft/yr, and therefore the projected groundwater volume from the Elsinore Basin will remain at 5,500 acre-ft/yr."

Future development within the Project site would increase the amount of impervious pavement and building surfaces. At the same time, groundwater infiltration at the site would be reduced. The area of the project site is not particularly suited for groundwater recharge due to the presence of a semipermeable clay layer at depth. Consequently, the potential loss of infiltration

and recharge or supply from the increase in impervious surface area would be less than significant.

Section 5.8.5 has been updated in response to Comment 17-66 as follows:

Flooding and Flood Flows

Most of the Project site, with the exception of existing residential developments at Summerly (proposed PA 1) and Serenity (proposed PA 4), is located within the 100-year floodplain and would be subject to a potential 100-year flood event[1] based on current site elevations (Figures 5.8-1 Lake Management Features and 5.8-2 Hydrologic Resources). Future development within the 100-year floodplain could ~~pose~~ be subject to potentially significant on-site flooding impacts as an indirect result from Project implementation; however, the following General Plan policies would avoid exposing people or property to flooding: Flooding and Floodplains Policies 5.1–5.2. These policies require that new ~~future implementing development projects to be constructed above the 100-year base flood elevation, in conformance~~ construction conforms ~~with~~ to all applicable provisions of the National Flood Insurance Program in order to protect buildings and property from flooding and that the City utilize the Capital Improvement Program for storm drainage projects and maintenance and improvement of local storm drain systems including channels, pipes, and inlets to ensure capacity for maximum runoff flows. Flooding hazards are required to be evaluated during the environmental review process, including restricting development within designated floodplain areas in accordance with FEMA floodplain zoning recommendations and requirements. Future development would be subject to floodplain policies as well as local and federal regulations. Nonetheless, future implementing development projects would potentially result in significant alteration of the drainage patterns by altering or extending grading within the Project site in order to raise building pads for inhabitable structures above the projected 100-year inundation level. Any development that does not include habitable structures within the 100-year floodplain would be subject to potentially significant flooding impacts. Therefore, mitigation measures MM HWQ-6 through MM HWQ-8 would be required of all future development to ensure potential flood hazard impacts are less than significant.

Section 5.8.2, Inundation from Dam Failure has been amplified in response to Comment 17-67 as follows:

According to the U.S. Army Corps of Engineer's National Inventory of Dams, the report on the Railroad Canyon Dam indicates the dam was last inspected on November 19, 2014, and it currently has no Emergency Action Plan. The California agency that regulates dams is the California Department of Water Resource's Division of Safety of Dams. According to the Division of Safety of Dams, the condition assessment of the Railroad Canyon Dam is "satisfactory"; which means that no existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria or tolerable risk guidelines.

5.9 Land Use and Planning

Section 5.9.1 has been revised to include additional background information regarding previously adopted amendments as follows:

- Amendment No. 6: Approved in July 2004, Amendment No. 6 redistributed land uses and eliminated a portion of the circulation loop within Phase I. Amendment No. 6 also reduced the overall residential yield of the ELSP from 9,000 dwelling units in the original Specific Plan to 7,975 dwelling units. Amendment No. 6 consists of a large portion of land that was previously modified by Amendment Nos. 1 and 2. An Erratum to Amendment No. 6 was approved on April 26, 2016, which changed the land use designation of lot 18 from RES-1 to RES-2, revised the lot boundary between lots 18 and 19, and modified development standards.

Section 5.9.2 Table 5.9-1 classifications "~~Preservation/Mitigation~~" Land Use Types have been renamed as "Open Space/Recreation[1]" to accurately reflect existing conditions rather than proposed conditions under this Project. Footnote number 1 has also been revised as follows:

1. Does not include acreage for the existing golf course in proposed Planning Area 6 or existing park within proposed Planning Area 4, which are reported separately. Preservation/Mitigation area and passive open space area totals subject to change. Total preservation/mitigation area in Back Basin required for MSHCP compliance is 770 acres.

Section 5.9.2 Table 5.9-1 was also updated with the additional shoreline/levee acreages in Planning Area 5 and Planning Area 6 as described above in Chapter 3, 3.0 Project Description above.

Figure 5.9-1 Conceptual Circulation Plan, Figure 5.9-2 Bikeways Plan and Figure 5.9-3 Trails Plan were reordered in Section 5.9.9.2 for referencing consistency.

5.10 Noise

No Corrections, Errata or Changes were made to Section 5.10 of the DEIR.

5.11 Population and Housing

No Corrections, Errata or Changes were made to Section 5.11 of the DEIR.

5.12 Public Services

No Corrections, Errata or Changes were made to Section 5.12 of the DEIR.

5.13 Recreation

No Corrections, Errata or Changes were made to Section 5.13 of the DEIR.

5.14 Transportation and Circulation

The following additional text was added to the Section 5.14.1 Introduction:

After preparation of the TIA, the City determined a reclassification was necessary of proposed roadways Sylvester Street, Lucerne Street and Cereal Street as 4-lane Collector/Modified Collector Roadways rather than the 4-lane Major Roadways as assumed for the analysis in the TIA, reducing the overall right-of-way requirements from 100 feet to 68 feet in order to minimize encroachment potential on properties and open-space preservation areas within the Project site. A memorandum titled *East Lake Specific Plan Amendment – Potential Impact to Traffic Analysis 9 Changes to Roadway Classifications)* (Appendix K.1) was prepared by Webb Associates in August 2017 analyzing this reclassification's potential effect on the TIA analysis; the memorandum determined that the reclassification would not impact the TIA analysis and that the findings and determinations made in the TIA remain valid as presented in this Section 5.14 below.

The following additional text has been added to Section 5.14.3 in response to comment 27-14:

Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

As described in Section 5.3 (Biological Resources), in 2004, the City adopted the MSHCP, a comprehensive multi-jurisdictional effort that focuses on conservation of 146 species and their associated habitats within western Riverside County. The MSHCP serves as the Habitat Conservation Plan pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as well as a Natural Communities Conservation Plan (NCCP) under the NCCP Act of 2001. The MSHCP allows for the Permittees (i.e., City of Lake Elsinore, County of Riverside, the other 14 participating cities, etc.) to authorize "take" of plant and wildlife species identified within the Plan area for private and public works projects.

Section 7 of the MSHCP describes covered Activities/Allowable Uses. Section 7.3.5 describes Planned Roads within the Criteria Area ("Covered Roads"). Planned roadways are defined as either existing facilities that require improvements (i.e. widening) or new facilities to be constructed. Covered roads include seven types of roadways, freeways, CETAP Corridors and other major facilities that have been identified as part of the General Plan Circulation Element. Evaluations of planned roadways with respect to Conservation of biological resources have been conducted throughout the MSHCP planning process. As a result, only those planned roadways identified in this section are Covered Activities within the Criteria Area. Roadways other than those identified in Section 7.3.5 are not covered without an amendment to the MSHCP in accordance with the procedures described in Section 6.10 of the MSHCP.

The MSHCP states that "[t]he improvement/construction of circulation element roadways shown on Figure 7-1 [of the MSHCP] are Covered Activities within the Criteria Area, as well as the operation and Maintenance Activities conducted for these facilities. The Circulation element

roads included in Figure 7-1 and that are analyzed in this section include a composite of County and Cities General Plan Circulation Elements." (MSHCP, page 7-31) Section 7.5.1 of the MSHCP sets forth the "Guidelines for the Siting and Design of Planned Roads Within the Criteria Area and Public/Quasi-Public Lands".

5.15 Utilities

Section 5.15 has been reformatted for readability and document consistency.

Section 5.15.5.2 Project Demands has been revised as follows: "~~**Error! Reference source not found**~~ Table 5.15-2".

Section 5.15.5.2 Conclusion has been revised in response to comment 17-93 and to correct a typographical error referencing Table 2-14 of the Water Supply Assessment (WSA) as follows:

> As shown in ~~**Error! Reference source not found.**~~ Table 2-14 of the WSA, EVMWD included a total water demand for the Project site of 5,401.23 acre-ft/year in EVWMD's service area water demand projections. Table 5.15-5 shows that the potable water demand of the land uses proposed by the proposed Project ranges from 4,601.99 to 5,651.39 acre/ft per year depending upon different build-out scenarios. Tables 5.15-8 through 5.15-13 show that EVMWD projects surplus water supply over demand through 2040, with a surplus range of 5,174 to 7,871 acre-ft/year for total water and 2,902 to 4,514 acre-ft/year for potable water. This surplus is more than sufficient to address the small (approximately 250 acre-ft/year) increase in projected water demand for the Project under the worst-case scenario.

ELSPA No. 11 Section 2.4.1 was revised to add a new subparagraph "g" to Development Requirement 27 in response to Comment 17-94 as follows:

> g. A purple pipe system will be constructed as part of the infrastructure for implementing development projects. Reclaimed water when available will be utilized for sports track and field watering, irrigation of the golf course, parks, streetscapes and other landscaped areas.

5.16 Energy and Irretrievable Resources

No Corrections, Errata or Changes were made to Section 5.16 of the DEIR.

5.17 Growth Inducing

No Corrections, Errata or Changes were made to Section 5.17 of the DEIR.

6.0 Significant Unavoidable Adverse Impacts

No Corrections, Errata or Changes were made to Section 6.0 of the DEIR.

7.0 Alternatives Analysis

Section 7.5 Table 7-2 was updated with the additional Preservation/Mitigation acreages in Planning Area 5 and Planning Area 6 (~~815.18~~ 835.0) as described in Chapter 3, 3.0 Project Description above.

Table 7-2 has been changed to reference ~~Skydive Airport~~ as Private Recreational Airport Facility.

Section 7.5.2 Table 7-3 was updated with the additional Preservation/Mitigation acreages in Planning Area 5 and Planning Area 6 (~~422.6~~ 433.6; ~~425.2~~ 439.4; and ~~70.18~~ 84.4) as described in Chapter 3, 3.0 Project Description above.

Table 7-3 has been changed to reference ~~Skydive Airport~~ as Private Recreational Airport Facility.

8.0 Preparers/Organizations and Persons Consulted

The following additions were added to the consulted list:

California Department of Fish and Wildlife (CDFW)
Leslie MacNair, Regional Manager, Inland Deserts Region
Jeff Brandt, Habitat Conservation
Heather Pert, Senior Environmental Scientist

Center for Biological Diversity
J.P. Rose, Staff Attorney

[and]

United States Fish and Wildlife Service
Karin Cleary-Rose, Inland Division Chief

9.0 Bibliography

The following documents were added to the Bibliography Section:

Albert A. Webb Associates. East Lake Specific Plan Amendment – Potential Impact to Traffic Analysis (Changes to Roadway Classifications). August 29, 2017. (This document is available for Public Review at the City of Lake Elsinore and is provided as Appendix K.1 of this EIR).

California Department of Fish and Wildlife. Lake Elsinore Back Basin Letter. October 17, 2013. (This document is available for Public Review at the City of Lake Elsinore and is provided as Appendix F.1 of this EIR).

California Natural Resources Agency, Department of Water Resources, Division of Safety of Dams. *Dams Within Jurisdiction of the State of California*. September 2017. (This document is available for Public Review at the following website: http://www.water.ca.gov/damsafety/docs/Dams%20by%20Dam%20Name_Sept%202017.pdf)

10.0 Glossary of Acronyms

No Corrections, Errata or Changes were made to Section 10.0 of the DEIR.