

BUNDY CANYON RESORT APARTMENT PROJECT

Final Environmental Impact Report

Prepared for
The City of Wildomar

February 2017



**FINAL ENVIRONMENTAL
IMPACT REPORT**

for the

Bundy Canyon Resort Apartment Project

State Clearinghouse Number:
2016041067

February 2017

Prepared for:
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Prepared by:
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1.0 INTRODUCTION

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (DEIR), constitutes the Final EIR for the Bundy Canyon Resort Apartment Project (Project). The DEIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The DEIR was circulated for public review and comment from November 23, 2016 through January 6, 2017.

1.2 CONTENT AND FORMAT

Subsequent to this introductory Section 1.0, Section 2.0 of this Final EIR presents revisions and errata corrections to the DEIR text. Responses to comments received on the DEIR are presented at Final EIR Section 3.0. The EIR Mitigation Monitoring Plan is presented at Final EIR Section 4.0.

1.3 DRAFT EIR COMMENTORS

1.3.1 Overview

The complete list of Draft EIR commentors, copies of comment letters and the responses to comments are presented at Section 3.0 of this Final EIR. The following is a list of agencies and persons commenting on the Draft EIR:

- Governor's Office of Planning and Research, State Clearinghouse
- California Department of Fish and Wildlife
- Cal Fire – Riverside County Fire Department
- Agua Caliente Band of Cahuilla Indians

- Pechanga Cultural Resources
- Martha Bridges, John Burkett, & Gerard Ste. Marie

1.3.2 Presentation of Comments and Responses

Copies of all of the comment letters, along with the corresponding prepared responses are included in their entirety at Final EIR Section 3.0, *Comments and Responses*.

1.4 LEAD AGENCY AND POINT OF CONTACT

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

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

1.5 PROJECT SUMMARY

Primary elements and characteristics of the Project area summarized below. The Project is described in detail at Draft EIR Section 3.0, *Project Description*.

1.5.1 Project Location

The Project site is located within the central portion of the City of Wildomar, within Riverside County. Specifically, the Project site is located along Bundy Canyon Road, approximately one mile easterly of Interstate-15 (I-15).

1.5.2 Project Overview

The Project considered in this EIR proposes construction of up to 140 multi-family residential units on an approximately 28.3-acre site, and associated discretionary actions necessary to realize the proposed development (*see also*: City Planning Application No. 16-0006, available through the City of Wildomar). Approximately 10.5 acres of the Project site would be developed with residential and supporting uses; the remaining approximately 17.8 acres would comprise open space, roadway dedications, and exactions.

1.5.3 Project Objectives

The primary goal of the Project is the development of the subject site with a productive mix of commercial/retail uses. Complementary Project Objectives include the following:

- Capitalize on the site's location proximate to the I-15/Bundy Canyon Road interchange;
- Create a complementary mix of multi-family residential products and supporting amenities;
- Take advantage of available infrastructure; enhance and improve local infrastructure systems to the benefit of the Project and surrounding areas; and to maximize access opportunities for the convenience of residents and visitors;
- Maximize development potential of the subject site, while maintaining and protecting natural site features;
- Establish an efficient and sustainable development through clustering of multi-family residential products and supporting amenities; and
- Provide a multi-family residential development that expands and diversifies the locally available housing stock; and that responds to the current and projected demand for multi-family residential products within the City.

1.5.4 Discretionary Actions, Permits, and Consultation

1.5.4.1 Lead Agency Discretionary Actions and Permits

Lead Agency decisions, or discretionary actions, necessary to realize the Project include, but may not be limited to the following:

- **Certification of the EIR.** Certification of the Project EIR is requested, to include the adoption of Facts, Findings and a Statement of Overriding Considerations; and adoption of the EIR Mitigation Monitoring Program.
- **Approval of a Zone Change** from R-R (Rural Residential) to R-3 (General Residential).
- **Plot Plan Approval** for Project design and architectural details.

Additionally, the Project would require a number of non-discretionary construction, grading, drainage and encroachment permits from the City to allow implementation of the Project facilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

Based on the current Project design concept, other discretionary actions, permits, and/or consultation necessary to realize the Project would likely include, but would not be limited to, the following:

- Permitting may be required by/through the South Coast Air Quality Management District (SCAQMD) for certain aspects of the Project operations and its associated equipment.
- Permitting may be required by/through the Santa Ana Regional Water Quality Control Board and/or the San Diego Regional Water Quality Control Board.

- Permitting (i.e., utility connection permits) may be required from utility providers.
- Permitting may be required from regulatory agencies including, without limitation, the United States Army Corps of Engineers, the United States Fish and Wildlife Department, the California Department of Fish and Wildlife and other agencies.
- Other ministerial permits necessary to realize all on and offsite improvements related to the development of the site.

2.0 REVISIONS AND ERRATA CORRECTIONS

2.0 REVISIONS AND ERRATA CORRECTIONS

2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. Text changes are presented under the chapter or topical section of the Draft EIR where they are located. The revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 REVISIONS

2.2.1 Revisions to Draft EIR Section 4.11, Biological Resources

In response to comments received from the California Department of Fish and Wildlife, Mitigation Measures 4.11.5 and 4.11.6 have been added as follows. Results and conclusions of the EIR are not affected.

4.11.5 The Project Applicant shall provide an overlay of all surveyed CDFW jurisdictional and MSHCP riparian/riverine limits on affected Project final grading and construction access plans. Prior to issuance of any grading permit, the City of Wildomar shall confirm that no permanent or temporary impacts to CDFW jurisdictional areas would result from Project construction or operations. If based on the information provided, the City cannot make such determination, the Project Applicant shall provide CDFW-approved Section 1602 documentation for the Project.

4.11.6 Riparian/riverine areas within the Project site not affected by the Project footprint shall be delineated and described within the Project property title documents. Riparian/riverine areas within the Project site not affected by the Project footprint shall be conserved in perpetuity via the recordation of a deed restriction.

2.2.2 Revisions to Draft EIR Section 4.12, Cultural Resources

Based on comments received from the Pechanga Band of Luiseño Indians, the following mitigation measures presented within the Draft EIR are amended as follows. Results and conclusions of the EIR are not affected.

4.12.1 To address the possibility that historical, archaeological, and/or tribal cultural resources (collectively referred to as "cultural resources" in these mitigation measures) may be encountered during grading or construction, a qualified professional archaeologist shall monitor all construction activities that could potentially impact cultural resources (e.g., grading, excavation, and/or trenching). Luiseño Tribe(s) may assign individuals to monitor all grading, excavation and groundbreaking activities as well, and the Tribal monitor(s) shall be allowed on site during any construction activities that could potentially impact cultural resources. However, monitoring may be discontinued as soon as the qualified professional archaeologist and the appropriate Luiseño Tribe(s) are satisfied that construction will not disturb cultural resources.

4.12.2 Prior to the issuance of any grading permit, the project archaeologist shall file a pre-grading Cultural Resources Monitoring Mitigation Plan report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Tribe(s) that intend to assign Tribal monitor(s) pursuant to Mitigation Measure 4.12.1. The archaeologist and the Tribal monitor(s) will have the authority to temporarily halt and redirect grading activities in order to evaluate the significance of any cultural resources discovered on the project site.

4.12.3 Prior to the issuance of any grading permit, the project applicant shall contact the Luiseño Tribe(s) with notification of the proposed grading and shall enter into a Tribal

Cultural Resources Treatment and Monitoring Agreement with each Tribe that determines its tribal cultural resources may be present on the site. The agreements shall include, but not be limited to, outlining provisions and requirements for addressing the handling of tribal cultural resources; project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains, discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures. A copy of the signed agreements shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.

4.12.4 If during grading or construction activities, cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by the archaeologist and the Tribal monitor(s). Any cultural resources that are discovered shall be evaluated and a final report prepared by the archaeologist. The report shall include: a list of the resources discovered; documentation of each site/locality; interpretation of the resources identified; a determination of whether the resources are historical resources, unique or non-unique archeological resources and/or tribal cultural resources; and the method of preservation and/or recovery for the identified resources. The archaeologist shall take into account the significance of a resource to the appropriate Tribe in making the determination that a resource is or is not a tribal cultural resource. If the archaeologist determines the cultural resources to be either historic resources or unique archaeological resources, but not tribal cultural resources, avoidance and/or mitigation will be required pursuant to and consistent with CEQA Guidelines Section 15064.5(c) and Public Resources Code Section 21083.2. If the qualified archaeologist determines the cultural resources to be tribal cultural resources, mitigation shall be consistent with the Tribal Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure 4.12.3 and Public Resources Code Section 21084.3. For all other cultural resources discovered on the project site, the project archaeologist shall assess the significance of such resources based on the provisions of CEQA with respect to archaeological resources and all significant cultural

~~resources shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to a curation facility, that meets the standards set forth in 36 CFR Part 79 for federal repositories.~~

~~If the project applicant, project archaeologist, and Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, then the project applicant and the Tribe shall agree on an independent qualified archeologist who shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural resources. The decision of the independent qualified archeologist may be challenged by the City, project applicant or the Tribe through any appropriate legal means including, but not limited to, a temporary restraining order or preliminary injunction.~~

If during grading or construction activities cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archaeologist (retained by the Applicant) and the Tribal monitor(s). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archaeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and/or Tribal monitor(s) determines the resources to be historical or unique, avoidance and/or mitigation shall be required pursuant to and consistent with CEQA Guidelines Section 15064.5 and 15126.4, Public Resources Code Section 21083.2, and the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3.

4.12.5 All cultural resources, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3, collected

during the grading monitoring program and from any previous archaeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility or any other facility¹ that meets the standards set forth in 36 Code of Federal Regulations (CFR) Part 79 for federal repositories.

4.12.6 If inadvertent discoveries of cultural or archaeological resources are made, the Project Applicant, Project archaeologist, the appropriate Luiseño Tribe(s) (Tribe) shall assess the significance of the resources and meet and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). Cultural and archaeological resources are inadvertent discoveries when they were not anticipated to be found during the Project's activities. This may include previously unknown sacred sites and items, midden deposits, artifacts, hearths, bedrock outcrops, human remains and other resources, etc.

If the Project Applicant, Project archaeologist, and Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, then the Project Applicant and the Tribe shall agree on an independent qualified archeologist who shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural resources. The decision of the independent qualified archeologist may be challenged by the City, Project Applicant or the Tribe through any appropriate legal means including, but not limited to, a temporary restraining order or preliminary injunction.²

4.12.67 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the

¹ Standard font reflects further revision by the Lead Agency.

² Standard font reflects further revisions incorporated by Lead Agency.

necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within twenty-four (24) hours. Subsequently, the Native American Heritage Commission shall identify the most likely descendant and notify them of discovery. The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98 and the Agreement required under Mitigation Measure required under Mitigation Measure 4.12.2 [Mitigation Measure 4.12.3].

4.12.8 Construction personnel involved in excavation and grading activities shall be informed of the possibility of discovering fossils at any location and the protocol to be followed if fossils are found. A professional meeting the Society of Vertebrate Paleontology standards shall provide the preconstruction training. The City shall ensure the grading plan notes include specific reference to the potential discovery of fossils. If potentially unique paleontological resources (fossils) are inadvertently discovered during Project construction, work shall be halted immediately within 50 feet of the discovery, the City shall be notified, and a professional paleontologist shall be retained to determine the significance of the discovery. The paleontologist shall establish procedures for paleontological resource surveillance throughout Project construction and shall establish, in cooperation with the Project Applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. Excavated finds shall be offered to a State-designated repository such as the Museum of Paleontology at the University of California, Berkeley, or the California Academy of Sciences.

3.0 COMMENTS AND RESPONSES

3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

The following Section presents written comments received during the public review process for the DEIR, and provides responses to those comments as required by California Code of Regulations, Title 14 (hereinafter, “CEQA Guidelines”) Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088 (a) requires that: “[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The 45-day comment period on the Draft EIR commenced on November 23, 2016 and concluded January 6, 2017.

In summary, the City’s written responses address any salient or significant comments or issues raised and, when warranted, revisions to the Draft EIR are made as a result of the comments. Additionally, the City’s written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR’s conclusions.

3.1.1 Comments Received

The following Section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been generally organized by state agencies; regional agencies; and local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all DEIR commentors and the designation assigned to each. Commentor correspondence and correlating responses are

presented subsequently. Comment letters have been reproduced verbatim and without any alteration or correction.

Table 3-1
DEIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State Agencies		
State Clearinghouse	SCH	-
County/Regional Agencies		
California Department of Fish and Wildlife	CDFW	1/5/17
Cal Fire – Riverside County Fire Department	RCFD	12/9/16
Individuals and Organizations		
Agua Caliente Band of Cahuilla Indians	ACB	12/1/16
Pechanga Cultural Resources	PCR	1/6/17
Martha Bridges, John Burkett, & Gerard Ste. Marie	BBSM	1/6/17

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Bundy Canyon Resort Apartment Project (PA 16-006)

SCH Number: 2016041067

Document Type: EIR - Draft EIR

Project Lead Agency: Wildomar, City of

Project Description

The project includes the proposed Bundy Canyon Resort Apartment Project, any on and off site supporting improvements, and associated discretionary action necessary to realize the development (Planning Application No. 16-0006). The project would result in up to 140 residential units on an approximately 28-acre site. Of the total acreage, approximately 10.5 acres will be developed, and approximately 17.5 acres will remain as open space, roadway dedications and exactions. Project includes a zone change from R-R (rural residential to R-3 (General Res).

Contact Information

Primary Contact:

Matthew Bassi
City of Wildomar
951-677-7751 ext 213
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Project Location

County: Riverside
City: Wildomar
Region:
Cross Streets: Bundy Canyon Rd, Tulip Lane
Latitude/Longitude:
Parcel No: 367-250-008
Township:
Range:
Section:
Base:
Other Location Info:

Proximity To

Highways: I-15
Airports:
Railways: Metrolink
Waterways:
Schools: 5 ES, 2 HS, 3 PRIV
Land Use: Vacant, undeveloped Z: R-R GP: Medium density residential

Development Type

Residential

Local Action

Rezone, Site Plan

Project Issues

Aesthetic/Visual, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Geologic/Seismic, Noise, Population/Housing Balance, Public Services, Traffic/Circulation, Water Quality, Water Supply, Landuse

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

Resources Agency; Department of Fish and Wildlife, Region 6; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Department of Housing and Community Development; Public Utilities Commission

Date Received: 11/23/2016 **Start of Review:** 11/23/2016 **End of Review:** 1/6/2017

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STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2016041067

Response SCH-1

State Clearinghouse receipt of the Bundy Canyon Resort Apartment Project Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2016041067) and dates of the public review period for the Draft EIR (November 23, 2016 through January 6, 2017) are also acknowledged.



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

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



January 5, 2017
Sent via email

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

Subject: Draft Environmental Impact Report
 Bundy Canyon Apartment Project
 State Clearinghouse No. 2016041067

Dear Mr. Bassi:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Bundy Canyon Apartment Project (project) [State Clearinghouse No. 2016041067]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

CDFW-1

The project proposes the construction of 2- and 3-story attached residential units, comprising 50 townhomes and 90 apartments, and supporting amenities and infrastructure, on an approximate 28 acre site located approximately one mile east of Interstate 15 and south of Bundy Canyon Road, in the City of Wildomar, County of Riverside, California.

CDFW-2

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City of Wildomar (City; the CEQA lead agency) in

CDFW-3

Draft Environmental Impact Report
 Bundy Canyon Apartment Project
 SCH No. 2016041067
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adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources and the project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

CDFW-3
cont'd.

Jurisdictional Waters/Wetlands

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.

CDFW-4

An impact analysis for potential project-related impacts to areas subject to section 1602 of the California Fish and Game Code (FGC) is detailed on page 4.11-33 of the DEIR. The Department applauds the City's efforts to avoid and minimize impacts to streams and riparian areas within the project site. However, because the DEIR does not include final grading plans or final construction design plans for the proposed bridge and its associated appurtenances, or for the temporary access route, the Department recommends that prior to adoption of the Final EIR (FEIR) the City include a new mitigation measure conditioning the Project Applicant to submit to the Department a Notification of Lake or Streambed Alteration. Specifically, the Department requests the inclusion of the following new measure in the FEIR:

CDFW-5

Prior to issuance of any grading permit Project Applicant shall provide to the City of Wildomar either of the following:

1. *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*
2. *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.*

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MSHCP Consistency Review Process

Joint Project Review

Projects located in a MSHCP Criteria Cell must meet plan-wide requirements and comply with the Cell Criteria. The project occurs within MSHCP Criteria Cell 5149 and therefore, the project is subject to the Joint Project Review (JPR) process. To ensure the requirements of the MSHCP are properly followed all projects within criteria cells are reviewed through the JPR process. The JPR process allows the Western Riverside County Regional Conservation Authority (RCA) to monitor the implementation of the MSHCP and determine if a project has the potential to affect the goals of the MSHCP. Further, the RCA tracks development in criteria cells through the JPR process, and requires the information from the JPR to correctly map areas in cells that are developed. The Department recommends that prior to adoption of the FEIR the City include a new mitigation measure conditioning the Project Applicant to demonstrate compliance with the MSHCP. Specifically, the Department requests the inclusion of the following new measure in the FEIR:

CDFW-6

Prior to issuance of any grading permit Project Applicant shall provide to the City of Wildomar written correspondence from the RCA, United States Fish and Wildlife Service (Service), and Department that the project is consistent with the MSHCP.

Riparian/Riverine Resources

As stated in the Department's comments on Jurisdictional Waters/Wetlands, the DEIR does not include final grading plans or final construction design plans for the proposed bridge and its associated appurtenances, or for the temporary access route. Therefore, the Department is unable to agree, based on the information provided in the DEIR that project-related impacts to Riparian/Riverine resources will not occur. As such, the Department recommends that prior to adoption of the FEIR the City include a new mitigation measure conditioning the Project Applicant to demonstrate compliance with Section 6.1.2 of the MSHCP. Further, as complete avoidance of Riparian/Riverine resources is proposed, the Department requests the inclusion of an additional mitigation measure in the FEIR, addressing how the Riparian/Riverine areas will 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." The Department requests the inclusion of the following new measures in the FEIR:

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1. *Prior to issuance of any grading permit Project Applicant shall provide to the City of Wildomar written correspondence from the United States Fish and Wildlife Service and California Department of Fish and Wildlife stating that the preparation of a DBESP is not required for the project.*
2. *Riparian/Riverine areas not impacted by the project footprint shall be conserved in perpetuity via the recordation of a conservation easement or deed restriction in favor of a California Department of Fish and Wildlife (CDFW)-approved local conservation entity; or transferred in fee title to a CDFW-approved local conservation entity. The avoided Riparian/Riverine areas shall be conserved prior to issuance of a grading permit. The CDFW-approved local conservation entity shall manage the conservation areas to protect the long-term conservation, functions and values in-perpetuity.*

↑
CDFW-7
cont'd

Department Conclusions and Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the Bundy Canyon Apartment Project (SCH No. 2016041067) and recommends that the City include the new mitigation measures specified in this letter prior to adoption of the FEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Joanna Gibson at (909) 987-7449 or at Joanna.Gibson@wildlife.ca.gov.

↓
CDFW-8

Sincerely,


Leslie MacNair
Regional Manager

cc: Heather Pert, CDFW
Karin Cleary-Rose, USFWS
Laurie Correa, RCA
State Clearinghouse

California Department of Fish and Wildlife (CDFW)
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764

Letter Dated January 5, 2017

Comment CDFW-1

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Bundy Canyon Apartment Project (project) [State Clearinghouse No. 2016041067]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Response CDFW-1

CDFW receipt and review of the DEIR are recognized by the City.

The commentor summarizes CDFW roles and responsibilities as a CEQA Trustee Agency for fish and wildlife resources and as a Responsible Agency under CEQA for related discretionary actions. The City recognizes CDFW roles and responsibilities as a CEQA Trustee Agency and CEQA Responsible Agency.

Findings and conclusions of the EIR are not affected.

Comment CDFW-2

The project proposes the construction of 2- and 3-story attached residential units, comprising 50 townhomes and 90 apartments, and supporting amenities and infrastructure, on an approximate 28 acre site located approximately one mile east of Interstate 15 and south of Bundy Canyon Road, in the City of Wildomar, County of Riverside, California.

Response CDFW-2

Summary description of the Project provided by the commentor is materially correct.

Findings and conclusions of the EIR are not affected.

Comment CDFW-3

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City of Wildomar (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources and the project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Response CDFW-3

The commentor summarizes CDFW jurisdictional authority over biological resources, and notes CDFW Natural Community Conservation Planning Program administrative responsibilities.

The City recognizes CDFW jurisdictional authority over biological resources, and CDFW Natural Community Conservation Planning Program administrative responsibilities.

Findings and conclusions of the EIR are not affected.

Comment CDFW-4

Jurisdictional Waters/Wetlands

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.

Response CDFW-4

The commentor states that CDFW requires notification of 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. And further, that pursuant to Fish and Game Code Section 1602, an entity may not substantively divert, obstruct, or otherwise alter natural flows or characteristics of channels, beds . . . or other areas under CDFW jurisdiction. Upon notification, CDFW will determine if the proposed work activities may substantially adversely affect existing fish and wildlife resources.

The City acknowledges CDFW notification requirements for work undertaken in or near CDFW jurisdictional area as well as CDFW roles and responsibilities in determination of potentially adverse effects of work undertaken in or near CDFW jurisdictional areas. The Project would comply with all CDFW notification requirements. The Project does not propose or require elements or actions that would substantially alter or otherwise affect CDFW jurisdictional areas. This Final EIR incorporates mitigation that would reduce potentially adverse effects to CDFW jurisdictional area to levels that would be less than significant. Mitigation measures provided in this Final EIR have been amended in response to comments provided by CDFW. Please refer to Final EIR Section 2.0, *Revisions and Errata* and Final EIR Section 4.0, *Mitigation Monitoring Plan*.

Findings and conclusions of the EIR are not affected.

Comment CDFW-5

An impact analysis for potential project-related impacts to areas subject to section 1602 of the California Fish and Game Code (FGC) is detailed on page 4.11-33 of the DEIR. The Department applauds the City's efforts to avoid and minimize impacts to streams and riparian areas within the project site. However, because the DEIR does not include final grading plans or final construction design plans for the proposed bridge and its associated appurtenances, or for the temporary access route, the Department recommends that prior to adoption of the Final EIR (FEIR) the City include a new mitigation measure conditioning the Project Applicant to submit to the Department a Notification of Lake or Streambed Alteration. Specifically, the Department requests the inclusion of the following new measure in the FEIR:

Prior to issuance of any grading permit Project Applicant shall provide to the City of Wildomar either of the following:

- 1. 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*
- 2. 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.*

Response CDFW-5

The commentor accurately notes that the Draft EIR at p. 4.11-33 details potential Project impacts to areas subject to Section 1602 of the California Fish and Game Code. The commentor states further that final grading plans and final construction design plans are not presented in the Draft EIR; and that on this basis CDFW recommends supplemental mitigation ensuring that, as verified by CDFW, any final Project designs would conform to applicable to California Fish and Game Code Section 1602 requirements.

Final grading plans and final construction design plans were not available at the concept stage of the Project evaluated in the EIR. These plans would be developed as the Project is

further defined. The Project design concepts, construction access footprints, and potentially affected resources areas evaluated and delineated in the Draft EIR are based on survey-grade field data. Given the proximity of proposed work to streambed resources, the Project Applicant has actively engaged firms with engineering and biological resource expertise in order to develop Project design concepts and construction access footprints that would avoid potentially sensitive biological resources including, but not limited to, areas subject to CDFW Section 1602 requirements.

The City nonetheless recognizes that the Project proposes disturbance proximate to CDFW jurisdictional areas, and concurs that if, based on the Project final designs, jurisdictional areas may be disturbed, Section 1602 Agreement(s) from the Department would be required. At this juncture however, and based on the information provided by the Applicant as evaluated in the Draft EIR, Section 1602 notification and associated permitting does not appear warranted.

The City appreciates constructive input and additional measures suggested by CDFW. Notwithstanding, to facilitate review and development of the Project, the City proposes an alternative measure (below) that would confirm findings of the Draft EIR, and ensure that the Project final designs would not result in significant impacts to CDFW jurisdictional areas.

4.11.5 The Project Applicant shall provide an overlay of all surveyed CDFW jurisdictional and MSHCP Riparian/Riverine limits on affected Project final grading and construction access plans. Prior to issuance of any grading permit, the City of Wildomar shall confirm that no permanent or temporary impacts to CDFW jurisdictional areas would result from Project construction or operation. If based on the information provided, the City cannot make such determination, the Project applicant shall provide CDFW-approved Section 1602 documentation for the Project.

Mitigation Measure 4.11.5 is incorporated in the Final EIR Mitigation Monitoring Plan (Final EIR Section 4.0) and is reflected at Final EIR Section 2.0, *Revisions and Errata*.

Findings and conclusions of the EIR are not affected.

Comment CDFW-6

MSHCP Consistency Review Process

Joint Project Review

Projects located in a MSHCP Criteria Cell must meet plan-wide requirements and comply with the Cell Criteria. The project occurs within MSHCP Criteria Cell 5149 and therefore, the project is subject to the Joint Project Review (JPR) process. To ensure the requirements of the MSHCP are properly followed all projects within criteria cells are reviewed through the JPR process. The JPR process allows the Western Riverside County Regional Conservation Authority (RCA) to monitor the implementation of the MSHCP and determine if a project has the potential to affect the goals of the MSHCP. Further, the RCA tracks development in criteria cells through the JPR process, and requires the information from the JPR to correctly map areas in cells that are developed. The Department recommends that prior to adoption of the FEIR the City include a new mitigation measure conditioning the Project Applicant to demonstrate compliance with the MSHCP. Specifically, the Department requests the inclusion of the following new measure in the FEIR:

Prior to issuance of any grading permit Project Applicant shall provide to the City of Wildomar written correspondence from the RCA, United States Fish and Wildlife Service (Service), and Department that the project is consistent with the MSHCP.

Response CDFW-6

The commentor summarizes MSHCP Criteria Cell Joint Project Review (JPR) processes and compliance requirements, and notes that a portion of the Project site is located in MSHCP Criteria Cell 5149 and therefore is subject to the JPR process. On this basis, the commentor suggests additional measures requiring Western Riverside County Regional Conservation Authority (RCA) documentation that the Project is consistent with the MSHCP.

To clarify the Project's potential impacts to MSHCP Criteria Cell(s), of the total 28.3-acre Project site, a minor piece of the Project site (approximately 0.06 acres) is located in Criteria

Cell 5149.¹ The Project would not otherwise affect or potentially affect an MSHCP Criteria Cell.

The potentially affected 0.06 acres located in Criteria Cell 5149 is located directly adjacent to Bundy Canyon Road and is characterized by disturbed California sagebrush scrub (Draft EIR Appendix H, Project Biological Resource Assessment, p. 74). The affected portion of Criteria Cell 5149 is located at the southwesterly Cell limits, and is separated from 98 percent of the Cell by Bundy Canyon Road. Any effects in this physically segregated, distinct and nominal area within the Cell, would not alter or obstruct MSHCP conservation goals for this Cell, which are concentrated in the northerly and easterly portions of the Cell. Accordingly, the Project biological resources consultant concluded that conservation of this area would not aid in meeting the MSHCP's conservation goals for this Cell and the Project should not be subject to the Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process. Additionally, the potentially affected 0.06 acres of Cell 5149 lies within the footprint of the County of Riverside Bundy Canyon Road/Scott Road Improvement Project, which has previously successfully completed the JPR process in compliance with the MSHCP.² Therefore, construction of the Project will not result in any new or additional effects to Cell 5149 not previously considered and addressed in the Canyon Road/Scott Road Improvement Project JPR process.

Based on the preceding, Joint Project Review of the Project is not required or warranted.

Findings and conclusions of the EIR are not affected.

1 Transportation, Riverside County, and Land Management Agency. *Online services MasterPage*. 2014. Web. 18 Jan. 2017 <http://onlineservices.rctlma.org/content/rcip_report_generator.aspx>

2 *Bundy Canyon Road/Scott Road Improvement Project Final EIR* (Parsons), September 2014, Appendix G (Summary of Joint Project Review and Supplemental Focused Surveys).

Comment CDFW-7

Riparian/Riverine Resources

As stated in the Department's comments on Jurisdictional Waters/Wetlands, the DEIR does not include final grading plans or final construction design plans for the proposed bridge and its associated appurtenances, or for the temporary access route. Therefore, the Department is unable to agree, based on the information provided in the DEIR that project-related impacts to Riparian/Riverine resources will not occur. As such, the Department recommends that that prior to adoption of the FEIR the City include a new mitigation measure conditioning the Project Applicant to demonstrate compliance with Section 6.1.2 of the MSHCP. Further, as complete avoidance of Riparian/Riverine resources is proposed, the Department requests the inclusion of an additional mitigation measure in the FEIR, addressing how the Riparian/Riverine areas will 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." The Department requests the inclusion of the following new measures in the FEIR:

- 1. Prior to issuance of any grading permit Project Applicant shall provide to the City of Wildomar written correspondence from the United States Fish and Wildlife Service and California Department of Fish and Wildlife stating that the preparation of a DBESP is not required for the project.*
- 2. Riparian/Riverine areas not impacted by the project footprint shall be conserved in perpetuity via the recordation of a conservation easement or deed restriction in favor of a California Department of Fish and Wildlife (CDFW)-approved local conservation entity; or transferred in fee title to a CDFW-approved local conservation entity. The avoided Riparian/Riverine areas shall be conserved prior to issuance of a grading permit. The CDFW-approved local conservation entity shall manage the conservation areas to protect the long-term conservation, functions and values in-perpetuity.*

Response CDFW-7

The commentor states that CDFW is unable to concur with the EIR findings that Project-related impacts to riparian/riverine resources will not occur because the DEIR does not include final grading plans or final construction design plans.

Impacts from grading and construction were fully evaluated in the EIR and any future plans will comply with, and not exceed, the studied parameters. Information reflected in the Draft EIR indicates that the Project would not result in potentially significant impacts to riparian/riverine resources. In this regard, the Project design concepts, construction access footprints, and potentially affected resources areas evaluated and delineated in the Draft EIR are based on survey-grade field data. Given the proximity of proposed work to streambed resources, the Project Applicant has actively engaged firms with engineering and biological resource expertise in order to develop Project design concepts and construction access footprints that would avoid potentially sensitive biological resources including, but not limited to, areas subject to CDFW Section 1602 requirements. The Project design concepts and construction access footprints are incorporated as elements of the Project, and are articulated at Draft EIR Section 3.4.8, *Biological Resources Avoidance*.

CDFW proposes additional CDFW/USFWS documentation of Project avoidance of riparian riverine areas. To these same ends, the City has proposed alternative mitigation (see previous Mitigation Measure 4.11.5) to ensure that the Project as finally designed, implemented and operated would not result in potentially adverse effects to riparian/riverine resources.

The commentor states further that because complete avoidance of riparian/riverine resources is proposed by the Project, CDFW requests the inclusion of an additional mitigation measure addressing how the riparian/riverine areas would be protected to ensure long-term conservation value in accordance with Section 6.1.2 of the MSHCP.

CDFW proposes measures to ensure protection of riparian/riverine areas within the Project site. To ensure that riparian/riverine areas would be protected to ensure their long-term

conservation value, in accordance with Section 6.1.2 of the MSHCP, the City incorporates the following mitigation measure in the EIR.

4.11.6 Riparian/riverine areas within the Project site not affected by the Project footprint shall be delineated and described within the Project property title documents. Riparian/riverine areas within the Project site not affected by the Project footprint shall be conserved in perpetuity via the recordation of a deed restriction.

Mitigation Measure 4.11.6 is incorporated in the Final EIR Mitigation Monitoring Plan (Final EIR Section 4.0) and is reflected at Final EIR Section 2.0, *Revisions and Errata*.

Findings and conclusions of the EIR are not affected.

Comment CDFW-8

Department Conclusions and Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the Bundy Canyon Apartment Project (SCH No. 2016041067) and recommends that the City include the new mitigation measures specified in this letter prior to adoption of the FEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Joanna Gibson at (909) 987-7449 or at Joanna.Gibson@wildlife.ca.gov.

Response CDFW-8

The City appreciates CDFW's on-going participation in the CEQA process generally, and specifically CDFW's participation in identification and protection of potentially significant biological resources. Commentor contact information [phone: (909) 987-7449; email: Joanna.Gibson@wildlife.ca.gov] is noted.



CAL FIRE - RIVERSIDE UNIT RIVERSIDE COUNTY FIRE DEPARTMENT

John R. Hawkins - Fire Chief

210 West San Jacinto Avenue, Perris, Ca 92570-1915
Bus: (951) 940-6900 Fax: (951) 940-6373 www.rvcfire.org

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DISTRICT 5

December 9, 2016

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

RE: Planning App. No. 16-0006; Darling/ Bundy Canyon Apartment

Dear Mr. Bassi

In response to your request of the existing fire protection for the above referenced planning application, the Riverside County Fire Strategic Planning Division has the following comments:

Fire protection for the above referenced project will be provided by the following Riverside County Fire Station:

Station 61, located on 32637 Gruwell Street, Wildomar, CA will respond with one city Type 1 Fire Engine providing paramedic service. The distance from the station to the proposed development is approximately three and a half miles. This station is staffed 24 hours a day, 7 days a week, with a 3 person crew, providing Paramedic Service.

The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. The project proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, Adopted City Ordinance, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Adopted City Ordinance and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

Prior to Building Permit issuance, the required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department prior to any combustible building materials placed on an individual lot. Contact the Riverside County Fire Department to inspect the required fire flow, street signs, and the required all weather surface access roadways. Approved water plans must be at the job site.

The project is located in an LRA Very High Fire Hazard Severity Zone of Riverside County as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas. This project shall submit a fuel modification plan for Fire Department review and approval prior to building permit issuance.

RCFD-1

RCFD-2

RCFD-3

Any building constructed on lots created by this project shall comply with the special construction provisions contained in Adopted City Ordinance, Title 14, the California Building Code. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

If I can be of further assistance, please feel free to contact me at (951) 293-1993 or email dexter.galang@fire.ca.gov.

Sincerely,



Dexter Galang
Fire Facilities Planner
Strategic Planning Bureau
Riverside County Fire Department

RCFD-3
cont'd.

RCFD-4

Cal Fire - Riverside County Fire Department
210 West San Jacinto Avenue
Perris, CA 92570

Letter Dated December 9, 2016

Comment RCFD-1

In response to your request of the existing fire protection for the above referenced planning application, the Riverside County Fire Strategic Planning Division has the following comments:

Fire protection for the above referenced project will be provided by the following Riverside County Fire Station:

Station 61, located on 32637 Gruwell Street, Wildomar, CA will respond with one city Type 1 Fire Engine providing paramedic service. The distance from the station to the proposed development is approximately three and a half miles. This station is staffed 24 hours a day, 7 days a week, with a 3 person crew, providing Paramedic Service.

Response RCFD-1

The commentor summarizes fire protection services that would be available to the Project site. Provision of fire protection services by Cal Fire - Riverside County Fire Department (Fire Department) is recognized.

Findings and conclusions of the EIR are not affected.

Comment RCFD-2

The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. The project proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

Response RCFD-2

The commentor states that the Project would have a cumulatively adverse impact on the Fire Department's ability to provide an acceptable level of service. The commentor notes further that the Project Applicant would be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

The Draft EIR recognizes that the Project would contribute incrementally to cumulative demands on Fire Protection Services (Draft EIR, p. 4.8-11). As stated by the commentor, these incremental impacts are offset by proportional capital improvements and/or impact fees. Construction of improvements and/or payment of impact fees would reduce the Project's contributions to cumulative impacts to levels that would not be cumulatively considerable. Under CEQA, the Project's impacts to Fire Protection Services would therefore not be considered cumulatively significant. The Project would be required, by Ordinance and pursuant to the Project Conditions of Approval, to pay fire impact fees, and annex into CFD 2013-1, which funds police and fire service to new development through the levy of a special property tax. The City of Wildomar and the Fire Department would ultimately determine the most effective use and allocation of Project revenues employed for the provision and enhancement of fire protection services.

Findings and conclusions of the EIR are not affected.

Comment RCFD-3

Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, Adopted City Ordinance, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Adopted City Ordinance and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

Prior to Building Permit issuance, the required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department prior to any combustible building materials placed on an individual lot. Contact the Riverside County Fire Department to inspect the required fire flow, street signs, and the required all weather surface access roadways. Approved water plans must be at the job site.

The project is located in an LRA Very High Fire Hazard Severity Zone of Riverside County as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas. This project shall submit a fuel modification plan for Fire Department review and approval prior to building permit issuance.

Any building constructed on lots created by this project shall comply with the special construction provisions contained in Adopted City Ordinance, Title 14, the California Building Code. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

Response RCFD-3

The commentor identifies Fire Department fire protection and prevention measures that would be required of the Project. These include:

- Provision of emergency vehicle access pursuant to California Fire Code, Adopted City Ordinance, and Riverside County Fire Department Standards;
- Provision of Fire Department water system(s) for fire protection in accordance with the California Fire Code, Adopted City Ordinance and Riverside County Fire Department Standards;
- Installation and acceptance of required water system(s), including all fire hydrant(s) by the appropriate water agency and the Riverside County Fire Department prior to any combustible building materials placed on an individual lot;
- Submittal of a fuel modification plan for Fire Department review and approval; and

- Compliance with the special construction provisions contained in Adopted City Ordinance, Title 14, the California Building Code.

Pursuant to the Project Conditions of Approval, the Project Applicant would comply with all provisions and requirements stipulated by the Fire Department. All site plans and building plans would be timely submitted to the Fire Department for the Department's review and approval prior to plan approval, issuance of building permits, and/or issuance of certificates of occupancy.

Comment RCFD-4

If I can be of further assistance, please feel free to contact me at (951) 293-1993 or email dexter.galang@fire.ca.gov.

Response RCFD-4

The commentor provides contact information and offers further assistance if required.

The City appreciates the Fire Department's productive engagement in the CEQA process. No further assistance from the Department is required at this time. Contact information provided by the commentor [phone: (951) 293-1993; email: dexter.galang@fire.ca.gov] is noted.

From: [THPO Consulting](#)
To: Matthew Bassi
Subject: NOA for the Bundy Canyon Apartments Project (P16-0006) Draft EIR
Date: Thursday, December 01, 2016 4:51:16 PM

Good Afternoon, Mr. Bassi,

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.

ACB-1

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

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Agua Caliente Band of Cahuilla Indians
Victoria Harvey M.A., R.P.A.
Archaeological Monitoring Coordinator
vharvey@aguacaliente.net
No Mailing Address Provided

Email Dated December 1, 2016

Comment ACB-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.

Response ACB-1

The commentor states that the Project site is located outside of their Tribe's Traditional Use Area and defers to other tribes in the area. The Lead Agency appreciates the commentor's response and participation in review of the Project specifically and in the CEQA process generally. Results and conclusions of the EIR are not affected.



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

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

Chairperson:
Neal Ibanez

Vice Chairperson:
Bridgett Barcello

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Evie Gerber
Darlene Miranda
Richard B. Scearce, III
Michael Vasquez

Director:
Gary DuBois

Coordinator:
Paul Macarro

Planning Specialist:
Tuba Ebru Ozdil

Cultural Analyst:
Anna Hoover

VIA E-MAIL and USPS

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

Re: Pechanga Tribe Comments on the Draft Environmental Impact Report (DEIR) or the Bundy Canyon Apartment Project (PA 16-0006)

Dear Mr. Bassi:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

PCR-1

The Tribe thanks the City of Wildomar and the Developer for adopting mitigation to preserve and protect the sensitive Luiseño cultural resources that may be identified, in addition to requiring both archaeological and tribal monitoring during earthmoving activities. In order to provide consistency throughout the document, we have provided a few minor suggested edits to the Cultural Resources mitigation measures below for your review and consideration.

PCR-2

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

Pechanga Comment Letter to the City of Wildomar
Re: Pechanga Tribe Comments on DEIR for Bundy Canyon Apartments
January 6, 2017
Page 2

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), traditional landscapes, cultural areas and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as the close proximity of the Project to the Tribal reservation lands.

PCR-3

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

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

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

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

PCR-4

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

The Tribe is in receipt of the Draft Environmental Impact Report (DEIR). Based upon the information provided to the Tribe, and the archaeological survey of the property, there are no known cultural resources located within the Project boundaries. Therefore, the sensitivity of this Project lies with the potential to impact subsurface, unknown cultural resources during earthmoving activities. At this time, the Tribe thanks the City of Wildomar for working closely

Pechanga Comment Letter to the City of Wildomar
 Re: Pechanga Tribe Comments on DEIR for Bundy Canyon Apartments
 January 6, 2017
 Page 3

with us to develop appropriate and adequate mitigation measures. These are identified in the DEIR as 4.12.1 through 4.12.6 and have been copied below. We request that these measures/conditions of approval be incorporated into the final EIR, with our proposed minor revisions and the addition of an inadvertent discoveries measure, and any other final environmental documents approved by the City. (Underlines are additions, Strikeouts are deletions)

4.12.1 To address the possibility that historical, archaeological, and/or tribal cultural resources (collectively referred to as “cultural resources” in these mitigation measures) may be encountered during grading or construction, a qualified professional archaeologist shall monitor all construction activities that could potentially impact cultural resources (e.g., grading, excavation, and/or trenching). Luiseño Tribe(s) may assign individuals to monitor all grading, excavation and groundbreaking activities as well, and the Tribal monitor(s) shall be allowed on site during any construction activities that could potentially impact cultural resources. However, monitoring may be discontinued as soon as the qualified professional archaeologist and the appropriate Luiseño Tribe(s) are satisfied that construction will not disturb cultural resources.

4.12.2 Prior to the issuance of any grading permit, the project archaeologist shall file a pregrading Cultural Resources Monitoring Mitigation Plan (CRMP) report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Tribe(s) that intend to assign Tribal monitor(s) pursuant to Mitigation Measure 4.12.43. The archaeologist and the Tribal monitor(s) will have the authority to temporarily halt and redirect grading activities in order to evaluate the significance of any cultural resources discovered on the project site.

4.12.3 Prior to the issuance of any grading permit, the project applicant shall contact the Luiseño Tribe(s) with notification of the proposed grading and shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with each Tribe that determines its tribal cultural resources may be present on the site. The agreements shall include, but not be limited to, outlining provisions and requirements for addressing the handling of tribal cultural resources; project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains, discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures. A copy of the signed agreements shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.

4.12.4 If ~~during grading or construction activities, cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by the archaeologist and the Tribal monitor(s). Any cultural resources that are discovered shall be evaluated and a final report prepared by the archaeologist. The~~

PCR-4
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report shall include: a list of the resources discovered; documentation of each site/locality; interpretation of the resources identified; a determination of whether the resources are historical resources, unique or non-unique archeological resources and/or tribal cultural resources; and the method of preservation and/or recovery for the identified resources. The archaeologist shall take into account the significance of a resource to the appropriate Tribe in making the determination that a resource is or is not a tribal cultural resource. If the archaeologist determines the cultural resources to be either historic resources or unique archaeological resources, but not tribal cultural resources, avoidance and/or mitigation will be required pursuant to and consistent with CEQA Guidelines Section 15064.5(c) and Public Resources Code Section 21083.2. If the qualified archaeologist determines the cultural resources to be tribal cultural resources, mitigation shall be consistent with the Tribal Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure 4.12.3 and Public Resources Code Section 21084.3. For all other cultural resources discovered on the project site, the project archaeologist shall assess the significance of such resources based on the provisions of CEQA with respect to archaeological resources and all significant cultural resources shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to a curation facility, that meets the standards set forth in 36 CFR Part 79 for federal repositories. If the project applicant, project archaeologist, and Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, then the project applicant and the Tribe shall agree on an independent qualified archaeologist who shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural resources. The decision of the independent qualified archaeologist may be challenged by the City, project applicant or the Tribe through any appropriate legal means including, but not limited to, a temporary restraining order or preliminary injunction.

PCR-4
cont'd.

If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archaeologist (retained by the applicant) and the Tribal monitor(s). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archaeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist, Tribal monitor(s) determines the resources to be historical or unique, avoidance and/or mitigation shall be required pursuant to and consistent with CEQA Guidelines Section 15064.5 and 15126.4. Public Resources Code Section 21083.2, and the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3.

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4.12.5 All cultural resources, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure CUL-2, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility that meets the standards set forth in 36 Code of Federal Regulations (CFR) Part 79 for federal repositories.

4.12.6 If inadvertent discoveries of cultural or archaeological resources are made, the Project Applicant, Project archaeologist, and Pechanga Tribe shall assess the significance of the resources and meet and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). Cultural and archaeological resources are inadvertent discoveries when they were not anticipated to be found during the Project's activities. This may include previously unknown sacred sites and items, midden deposits, artifacts, hearths, bedrock outcrops, human remains and other resources, etc.

Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for tribal cultural resources and archaeological resources. If the Project Applicant, qualified professional archaeologist, and Luiseño Tribe(s) cannot agree on the significance of, avoidance of, or mitigation for such resources, these issues shall be presented to the Planning Director for determination. The Planning Director shall make the determination based on the information submitted by the Luiseño Tribes, the religious beliefs, customs, and practices of the Pechanga Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural and archaeological resources. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Wildomar City Council. All sacred sites, should they be encountered within the project site, shall be avoided and preserved as the preferred mitigation, if feasible.

PCR-4
cont'd.

4.12.5 Paleontological mitigation. Not Applicable to Cultural Resources.

4.12.67 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within twenty-four (24) hours. Subsequently, the Native American Heritage Commission shall identify the most likely descendant and notify them of discovery. The most likely descendant shall then make recommendations and engage in

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consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98 and the Agreement required under Mitigation Measure 4.12.2.

PCR-4
cont'd.

The Pechanga Tribe looks forward to continuing to work together with the City of Wildomar in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8113 or at ezozdil@pechanga-nsn.gov once you have had a chance to review these comments if you have any comments or concerns. Thank you for continuing to partner with the Pechanga Band to preserve and protect our sensitivity cultural heritage.

PCR-5

Sincerely,



Tuba Ebru Ozdil
Planning Specialist

cc Pechanga Office of the General Counsel

Pechanga Cultural Resources
P.O. Box 2183
Temecula, CA 92593

Letter Dated January 6, 2017

Comment PCR-1

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, “the Tribe”), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the “Project”). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

Response PCR-1

The Pechanga Band of Luiseño Indians (Tribe) requests continued involvement in the CEQA review process; and that the City include the Tribe on City distribution list(s) for public notices and environmental documentation.

To date, the Tribe has been provided all notification(s) and documentation for the Project required under CEQA.³ The City will continue involvement of the Tribe in the Project CEQA process as requested by the commentor and pursuant to requirements stipulated at Public Resources Code §21092.2. The Tribe is included on the City's mailing and distribution lists for public notices and environmental documentation.

³ Pursuant to Assembly Bill 52 (AB 52) requirements, five (5) potentially affected Native American Tribes (Tribes) were notified of the Project and Lead Agency consultation was initiated in January 2016. Subsequently, AB 52 consultation requests were received from the Soboba Band of Luiseño Indians, and the Pechanga Band of Luiseño Indians. Please refer to AB 52 consultation documentation provided at the conclusion of Draft EIR Section 4.12, *Cultural Resources*.

The Tribe requests notification of all public hearings and scheduled approvals concerning the Project.

The Tribe will be notified of all Project public hearings. The City does not explicitly “schedule approvals.” Decisions to approve or deny any given project subject to discretionary actions are typically made in the context of public hearings.

The tribe requests that its comments be included in the public record for the Project.

The Tribe’s comments are incorporated in this Final EIR and thereby included in the public record for the Project.

Findings and conclusions of the EIR are not affected.

Comment PCR-2

The Tribe thanks the City of Wildomar and the Developer for adopting mitigation to preserve and protect the sensitive Luiseño cultural resources that may be identified, in addition to requiring both archaeological and tribal monitoring during earthmoving activities. In order to provide consistency throughout the document, we have provided a few minor suggested edits to the Cultural Resources mitigation measures below for your review and consideration.

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

Response PCR-2

The commentor acknowledges and thanks the City and Project Applicant for inclusion of cultural resources/Tribal cultural resources mitigation and monitoring measures incorporated in the EIR.

The City and Project Applicant appreciate the Tribe's involvement and participation in the CEQA process.

The commentor requests certain modification of the EIR mitigation measures (presented subsequently) in order to more fully and consistently address the Tribe's concerns.

The EIR mitigation measures have been amended in response to the commentor's suggestions. Please refer to Final EIR Section 2.0, *Revisions and Errata*; and Final EIR Section 4.0, *Mitigation Monitoring Plan*.

The commentor notes that potentially significant impacts to cultural resources must be mitigated pursuant to applicable state and federal laws. The commentor acknowledges active participation by the City in preserving and protecting historically significant cultural resources of concern to the State of California and the Tribe.

Mitigation measures incorporated in the Draft EIR, and as modified pursuant to the Tribe's suggestions in this Final EIR, ensure that potentially significant impacts to previously unknown cultural resources/TCRs are mitigated as required under applicable state and federal laws. However, it is important to note that the proposed Project does not impact, on a significant basis, any known cultural resources. The City likewise appreciates the Tribe's active participation in preserving and protecting historically significant cultural resources of concern to the State of California and the Tribe.

Findings and conclusions of the EIR are not affected.

Comment PCR-3

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, tóota yixélval (rock art, pictographs, petroglyphs), traditional landscapes, cultural areas and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga

Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as the close proximity of the Project to the Tribal reservation lands.

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

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

Response PCR-3

The commentor states that the Project site is part of the Tribe's aboriginal territory and is in a culturally sensitive Tribal area. The commentor notes the Tribe's legal and cultural interests in the Project site, and that the Tribe has specific knowledge of cultural resources and sacred places near the Project site.

The City recognizes the Tribe's affiliation with the Project site and encompassing region. The City recognizes the Tribe's specific legal and cultural interest in the Project. The City recognizes the Tribe's specific knowledge of cultural resources and sacred places near the proposed Project.

The commentor welcomes the opportunity to further document the Tribe's cultural affiliation with the Project site.

At this juncture, the City does not require or request any further documentation of the Tribe's cultural affiliation with the Project site.

Findings and conclusions of the EIR are not affected.

Comment PCR-4

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

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

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

The Tribe is in receipt of the Draft Environmental Impact Report (DEIR). Based upon the information provided to the Tribe, and the archaeological survey of the property, there are no known cultural resources located within the Project boundaries. Therefore, the sensitivity of this Project lies with the potential to impact subsurface, unknown cultural resources during earthmoving activities. At this time, the Tribe thanks the City of Wildomar for working closely with us to develop appropriate and adequate mitigation measures. These are identified in the DEIR as 4.12.1 through 4.12.6 and have been copied below. We request that these measures/conditions of approval be incorporated into the final EIR, with our proposed minor revisions and the addition of an inadvertent discoveries measure, and any other final environmental documents approved by the City. (Underlines are additions, strikeouts are deletions).

4.12.1 To address the possibility that historical, archaeological, and/or tribal cultural resources (collectively referred to as "cultural resources" in these mitigation measures) may be encountered during grading or construction, a qualified professional archaeologist shall

monitor all construction activities that could potentially impact cultural resources (e.g., grading, excavation, and/or trenching). Luiseño Tribe(s) may assign individuals to monitor all grading, excavation and groundbreaking activities as well, and the Tribal monitor(s) shall be allowed on site during any construction activities that could potentially impact cultural resources. However, monitoring may be discontinued as soon as the qualified professional archaeologist and the appropriate Luiseño Tribe(s) are satisfied that construction will not disturb cultural resources.

4.12.2 Prior to the issuance of any grading permit, the project archaeologist shall file a pre-grading Cultural Resources Monitoring Mitigation Plan report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Tribe(s) that intend to assign Tribal monitor(s) pursuant to Mitigation Measure 4.12.1. The archaeologist and the Tribal monitor(s) will have the authority to temporarily halt and redirect grading activities in order to evaluate the significance of any cultural resources discovered on the project site.

4.12.3 Prior to the issuance of any grading permit, the project applicant shall contact the Luiseño Tribe(s) with notification of the proposed grading and shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with each Tribe that determines its tribal cultural resources may be present on the site. The agreements shall include, but not be limited to, outlining provisions and requirements for addressing the handling of tribal cultural resources; project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains, discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures. A copy of the signed agreements shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.

4.12.4 If during grading or construction activities, cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources

~~shall be evaluated by the archaeologist and the Tribal monitor(s). Any cultural resources that are discovered shall be evaluated and a final report prepared by the archaeologist. The report shall include: a list of the resources discovered; documentation of each site/locality; interpretation of the resources identified; a determination of whether the resources are historical resources, unique or non unique archeological resources and/or tribal cultural resources; and the method of preservation and/or recovery for the identified resources. The archaeologist shall take into account the significance of a resource to the appropriate Tribe in making the determination that a resource is or is not a tribal cultural resource. If the archaeologist determines the cultural resources to be either historic resources or unique archaeological resources, but not tribal cultural resources, avoidance and/or mitigation will be required pursuant to and consistent with CEQA Guidelines Section 15064.5(c) and Public Resources Code Section 21083.2. If the qualified archeologist determines the cultural resources to be tribal cultural resources, mitigation shall be consistent with the Tribal Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure 4.12.3 and Public Resources Code Section 21084.3. For all other cultural resources discovered on the project site, the project archaeologist shall assess the significance of such resources based on the provisions of CEQA with respect to archaeological resources and all significant cultural resources shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to a curation facility, that meets the standards set forth in 36 CFR Part 79 for federal repositories.~~

~~If the project applicant, project archaeologist, and Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, then the project applicant and the Tribe shall agree on an independent qualified archeologist who shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural resources. The decision of the independent qualified archeologist may be challenged by the City, project applicant or the Tribe through any appropriate legal means including, but not limited to, a temporary restraining order or preliminary injunction.~~

If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archaeologist (retained by the applicant) and the Tribal monitor(s). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archaeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist, Tribal monitor(s) determines the resources to be historical or unique, avoidance and/or mitigation shall be required pursuant to and consistent with CEQA Guidelines Section 15064.5 and 15126.4. Public Resources Code Section 21083.2. and the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3.

4.12.5 All cultural resources, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure CUL-2 [Mitigation Measure 4.12.3], collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility that meets the standards set forth in 36 Code of Federal Regulations (CFR) Part 79 for federal repositories.

4.12.5 Paleontological mitigation. Not Applicable to Cultural Resources.

4.12.6 If inadvertent discoveries of cultural or archaeological resources are made, the Project Applicant, Project archaeologist, and Pechanga Tribe shall assess the significance of the resources and meet and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). Cultural and archaeological resources are inadvertent discoveries when they were not anticipated to be found during the Project's activities. This may include previously unknown sacred sites and items,

midden deposits, artifacts, hearths, bedrock outcrops, human remains and other resources, etc.

Consistent with California Public Resources Code Section 21 083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for tribal cultural resources and archaeological resources. If the Project Applicant, qualified professional archaeologist and Luiseño Tribe(s) cannot agree on the significance of, avoidance of or mitigation for such resources, these issues shall be presented to the Planning Director for determination. The Planning Director shall make the determination based on the information submitted by the Luiseño Tribes, the religious beliefs, customs, and practices of the Pechanga Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural and archaeological resources. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Wildomar City Council. All sacred sites, should they be encountered within the project site, shall be avoided and preserved as the preferred mitigation, if feasible.

4.12.67 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within twenty-four (24) hours. Subsequently, the Native American Heritage Commission shall identify the most likely descendant and notify them of discovery. The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98 and the Agreement required under Mitigation Measure required under Mitigation Measure 4.12.2 [Mitigation Measure 4.12.3].

Response PCR-4

The commentor expresses concern regarding the Project's potential impacts to currently unknown Tribal Cultural Resources (TCRs), and that any unknown TCRs which may be encountered may not receive proper and legal treatment.

The Lead Agency acknowledges the potential for the Project to affect cultural resources. Potential impacts to cultural resources/TCRs are summarized at EIR Section 4.12, *Cultural Resources*. The Draft EIR Phase I Cultural Resources Assessment details the Project cultural resources setting, and identifies the Project's potential impacts to cultural resources and TCRs.⁴ This Final EIR incorporates mitigation that would reduce potential impacts to cultural resources/TCRs to levels that would be less-than-significant. Pursuant to the Final EIR mitigation measures, encountered cultural resources/TCRs would receive proper and legal treatment.

The commentor states that the Project is located in a culturally-sensitive area of Luiseño territory, and that sensitive resources may likely be encountered in the course of Project development. The commentor notes the Tribe's expertise, background, and practical experience in working with various types of construction projects in locales of Tribal concern, and in evaluation of the likelihood of encountering cultural resources/TCRs.

The City recognizes that the Project site is located in a culturally-sensitive area of Luiseño territory, and that sensitive resources may be encountered in the course of Project development. As noted previously, potential impacts to cultural resources/TCRs are summarized at EIR Section 4.12, *Cultural Resources*, and presented in detail within the Draft EIR Phase I Cultural Resources Assessment. The City recognizes the Tribe's expertise, background, and practical experience in working with various types of construction projects in locales of Tribal concern, and in evaluation of the likelihood of encountering cultural resources/TCRs.

⁴ A *Phase I Cultural Resources Assessment of PA 16-0006, APN 367-250-008* (Jean A. Keller, Ph.D.) November 2015. In order to protect the location of sensitive cultural resources that may be identified as part of the Project Phase I Cultural Resources Assessment, a copy is not included in the EIR. Copies of the Project Phase I Cultural Resources Assessment are available, upon request, at the City of Wildomar Planning Department.

The commentor acknowledges receipt of the Draft EIR. The commentor restates and modifies certain of the cultural resources/TCR mitigation measures presented in the Draft EIR.

Commentor receipt of the Draft EIR is recognized. The Draft EIR cultural resources/TCR mitigation measures have been amended in response to suggestions provided by the commentor. The Lead Agency has further revised the mitigation measures to allow for curation of artifacts at other acceptable facilities (revisions at new Mitigation Measure 4.12.5); and to ensure independent arbitration of potential disagreement regarding the significance of, avoidance of, or mitigation for potentially significant cultural resources/TCRs that may be encountered at the Project site (revisions at new Mitigation Measure 4.12.6). Additionally, the mitigation measures have been re-ordered so that paleontological resources mitigation (previously Mitigation Measure 4.12.5) is now presented at EIR Mitigation Measure 4.12.8. The mitigation measures, as revised by the Tribe and the City, are presented below and are incorporated at Final EIR Section 4.0, *Mitigation Monitoring Plan*. Please refer also to Final EIR Section 2.0, *Revisions and Errata*.

4.12.1 To address the possibility that historical, archaeological, and/or tribal cultural resources (collectively referred to as “cultural resources” in these mitigation measures) may be encountered during grading or construction, a qualified professional archaeologist shall monitor all construction activities that could potentially impact cultural resources (e.g., grading, excavation, and/or trenching). Luiseño Tribe(s) may assign individuals to monitor all grading, excavation and groundbreaking activities as well, and the Tribal monitor(s) shall be allowed on site during any construction activities that could potentially impact cultural resources. However, monitoring may be discontinued as soon as the qualified professional archaeologist and the appropriate Luiseño Tribe(s) are satisfied that construction will not disturb cultural resources.

4.12.2 Prior to the issuance of any grading permit, the project archaeologist shall file a ~~pre-grading~~ Cultural Resources Monitoring Mitigation Plan report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Tribe(s) that intend to assign Tribal monitor(s) pursuant to Mitigation

Measure 4.12.1. The archaeologist and the Tribal monitor(s) will have the authority to temporarily halt and redirect grading activities in order to evaluate the significance of any cultural resources discovered on the project site.

4.12.3 Prior to the issuance of any grading permit, the project applicant shall contact the Luiseño Tribe(s) with notification of the proposed grading and shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with each Tribe that determines its tribal cultural resources may be present on the site. The agreements shall include, but not be limited to, outlining provisions and requirements for addressing the handling of tribal cultural resources; project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains, discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures. A copy of the signed agreements shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.

4.12.4 If during grading or construction activities, cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by the archaeologist and the Tribal monitor(s). Any cultural resources that are discovered shall be evaluated and a final report prepared by the archaeologist. The report shall include: a list of the resources discovered; documentation of each site/locality; interpretation of the resources identified; a determination of whether the resources are historical resources, unique or non unique archeological resources and/or tribal cultural resources; and the method of preservation and/or recovery for the identified resources. The archaeologist shall take into account the significance of a resource to the appropriate Tribe in making the determination that a resource is or is not a tribal cultural resource. If the archaeologist determines the cultural resources to be either historic resources or unique archeological resources, but not tribal cultural resources, avoidance and/or mitigation will be required pursuant to and consistent with CEQA Guidelines Section 15064.5(c) and Public Resources Code Section 21083.2. If the qualified archeologist determines the cultural

~~resources to be tribal cultural resources, mitigation shall be consistent with the Tribal Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure 4.12.3 and Public Resources Code Section 21084.3. For all other cultural resources discovered on the project site, the project archaeologist shall assess the significance of such resources based on the provisions of CEQA with respect to archaeological resources and all significant cultural resources shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to a curation facility, that meets the standards set forth in 36 CFR Part 79 for federal repositories.~~

~~If the project applicant, project archaeologist, and Tribe cannot agree on the significance of avoidance of, or mitigation for such resources, then the project applicant and the Tribe shall agree on an independent qualified archeologist who shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural resources. The decision of the independent qualified archeologist may be challenged by the City, project applicant or the Tribe through any appropriate legal means including, but not limited to, a temporary restraining order or preliminary injunction.~~

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the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3.

4.12.5 All cultural resources, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3, collected during the grading monitoring program and from any previous archaeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility or any other facility⁵ that meets the standards set forth in 36 Code of Federal Regulations (CFR) Part 79 for federal repositories.

4.12.6 If inadvertent discoveries of cultural or archaeological resources are made, the Project Applicant, Project archaeologist, and the appropriate Luiseño Tribe(s) (Tribe) shall assess the significance of the resources and meet and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). Cultural and archaeological resources are inadvertent discoveries when they were not anticipated to be found during the Project's activities. This may include previously unknown sacred sites and items, midden deposits, artifacts, hearths, bedrock outcrops, human remains and other resources, etc.

If the Project Applicant, Project archaeologist, and Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, then the Project Applicant and the Tribe shall agree on an independent qualified archeologist who shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural resources. The decision of the independent qualified archeologist may be challenged by the City, Project Applicant or the Tribe through any appropriate legal means

⁵Standard font reflects further revision by the Lead Agency.

including, but not limited to, a temporary restraining order or preliminary injunction.⁶

4.12.67 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within twenty-four (24) hours. Subsequently, the Native American Heritage Commission shall identify the most likely descendant and notify them of discovery. The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98 and the Agreement required under Mitigation Measure required under Mitigation Measure 4.12.2 [Mitigation Measure 4.12.3].

4.12.8 Construction personnel involved in excavation and grading activities shall be informed of the possibility of discovering fossils at any location and the protocol to be followed if fossils are found. A professional meeting the Society of Vertebrate Paleontology standards shall provide the preconstruction training. The City shall ensure the grading plan notes include specific reference to the potential discovery of fossils. If potentially unique paleontological resources (fossils) are inadvertently discovered during Project construction, work shall be halted immediately within 50 feet of the discovery, the City shall be notified, and a professional paleontologist shall be retained to determine the significance of the discovery. The paleontologist shall establish procedures for paleontological resource surveillance throughout Project construction and shall establish, in cooperation with the Project Applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. Excavated finds shall be offered to a State-designated repository such as the Museum of Paleontology at the University of California, Berkeley, or the California Academy of Sciences.

⁶ Standard font reflects further revisions incorporated by Lead Agency.

Findings and conclusions of the EIR are not affected.

Comment PCR-5

The Pechanga Tribe looks forward to continuing to work together with the City of Wildomar in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8113 or at ezdil@pechanga-nsn.gov once you have had a chance to review these comments if you have any comments or concerns. Thank you for continuing to partner with the Pechanga Band to preserve and protect our sensitivity cultural heritage.

Response PCR-5

The commentor states the Tribe's continuing desire to work cooperatively with the City to protect Pechanga cultural resources. Commentor point of contact information is provided.

The City appreciates the Tribe's ongoing participation in the CEQA process generally, and specifically the Tribe's participation in identification and protection of potentially significant cultural resources/Tribal Cultural Resources. Commentor contact information [phone: (951) 770-8113; email: ezdil@pechanga-nsn.gov] is noted.

January 6, 2017

From: Martha Bridges John Burkett Gerard Ste. Marie
35465 Woshka Lane 32721 Mesa Drive P.O. Box 486
Wildomar, CA 92595 Lake Elsinore, CA 92530 Wildomar, CA 92595

To: City of Wildomar
Attn: Mathew C. Bassi, Planning Director
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
[By Email to: mbassi@cityofwildomar.org, dlee@cityofwildomar.org]

Re: **Comments to Bundy Canyon Resort Apartment Project Draft EIR
(Planning Application No. 16-006) (SCH No. 2016041067)**

To Director of Planning - Mathew C. Bassi: Please consider the following comments to the Bundy Canyon Resort Apartment Project Draft EIR. Please also make this Letter, and all documents referred to in the Letter, a part of the Administrative Record for this Project.

I. The Draft EIR Fails to Discuss Impacts and Mitigation Associated with Project Location in a Very High Fire Hazard Severity Zone

The Draft EIR is internally inconsistent and contradictory with regard to the existence of potentially hazardous wildfire conditions on the Project site. More specifically, the Draft EIR states that “[t]he Project site is considered subject to ‘High’ wildfire susceptibility.” (DEIR, pp. 1-22, 1-30.) And although not explicitly stated in the Draft EIR, the Project site is in fact located within a Very High Fire Hazard Severity Zone as determined by the California Department of Forestry and Fire Protection based on the map entitled "Very High Fire Hazard Severity Zones in LRA" for the City of Wildomar, dated December 21, 2009, (see http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/riverside/Wildomar.pdf), as well as in conjunction with Wildomar Ordinance No. 52 (see <http://www.cityofwildomar.org/uploads/files/city-clerk/ordinances/52.pdf>).

BBSM-1

The Draft EIR then continues as follows:

“To minimize potential fire hazards including potential wildfire hazards, all structures would be constructed

BBSM-2

consistent with California Fire Code requirements. Additionally, two fuel modification zones would be incorporated along the perimeter of the developed Project area (the “Wildland/Urban” interface) acting to reduce fuel loads and the potential for fires to approach and reach structures. Moreover, the Project site and surrounding areas are currently provided fire protection and emergency response services by the Riverside County Fire Department/Cal Fire. Development fees and taxes paid by the Project act to offset its incremental demands for fire protection services.” (DEIR, p. 1-22.)

BBSM-2
cont'd.

But despite the measures discussed above in order “[t]o minimize potential fire hazards including potential wildfire hazards,” the Draft EIR dismissively concludes that “[t]he potential for the Project to expose people or structures to a significant risk of loss, injury or death involving wildland fires is considered to be less-than-significant.” (DEIR, p. 1-22.) However, under established CEQA thresholds of significance, the Project would have potentially adverse fire safety impacts because it would *“expose people or structures to a significant risk of loss, injury or death involving wildfires.”* (See “CEQA Guidelines Appendix G Checklist, Section VIII. (h);” Initial Study, pp. 3-17, 3-19.)

BBSM-3

Therefore, in the Final EIR for this Project, please adequately analyze Project location within a Very High Fire Hazard Severity Zone, and please discuss the impacts and mitigation measures which would follow as a matter of course to such analysis. At a minimum, in addition to the two fuel modification zones referred to above, the provisions of Section 4905.2 of the California Fire Code, and the codes referenced therein, should be implemented as mitigation measures for the Project. Section 4905.2 of the California Fire Code provides as follows:

BBSM-4

“4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code including the following:

- 1. California Building Code Chapter 7A,*
- 2. California Residential Code Section R327,*

3. *California Reference Standards Code Chapter 12-7A*
4. *and this chapter. " (Cal. Fire Code § 4905.2)*

II. While the Initial Study Correctly Finds Potentially Significant Impacts Increasing Demands for Fire Protection Services, the Draft EIR Fails to Identify Specific Mitigation Measures to be Implemented through Payment of the Fire Impact Fee

BBSM-4
cont'd.

The Initial Study properly finds that the new development proposed by the Project would result in increased demands for fire protection services. (Initial Study, pp. 3-27 through 3-28.) However, while the Draft EIR does require the payment of a 'Fire Impact Fee' (see DEIR, p. 1-30), there is no specific mitigation required to take place as a result of the mitigation fee program said to offset the significant impact to the adequate provision of fire services noted by the Riverside County Fire Department in its NOP Comment Letter dated May 10, 2016. This is a violation of CEQA; more specifically, under CEQA, a commitment to pay fees is not adequate mitigation if there is no evidence that mitigation will actually result.

BBSM-5

Therefore, in the Final EIR for this Project, please explain how payment of the 'Fire Impact Fee' will translate into actual mitigation of impacts which will increase demands for fire protection services.

To avoid unnecessary danger to human life and needless litigation, please Address the foregoing issues in the Final EIR for the Project.

BBSM-6

DATED: January 6, 2017

By: Martha Bridges, John Burkett
& Gerard Ste. Marie

Martha Bridges, John Burkett, & Gerard Ste. Marie

Letter Dated January 6, 2017

Comment BBSM-1

To Director of Planning - Mathew C. Bassi: Please consider the following comments to the Bundy Canyon Resort Apartment Project Draft EIR. Please also make this Letter, and all documents referred to in the Letter, a part of the Administrative Record for this Project.

The Draft EIR Fails to Discuss Impacts and Mitigation Associated with Project Location in a Very High Fire Hazard Severity Zone.

The Draft EIR is internally inconsistent and contradictory with regard to the existence of potentially hazardous wildfire conditions on the Project site. More specifically, the Draft EIR states, “[t]he Project site is considered subject to ‘High’ wildfire susceptibility” (DEIR, pp. 1-22, 1-30). And although not explicitly stated in the Draft EIR, the Project site is in fact located within a Very High Fire Hazard Severity Zone as determined by the California Department of Forestry and Fire Protection based on the map entitled “Very High Fire Hazard Severity Zones in LRA” for the City of Wildomar, dated December 21, 2009, (see http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/riverside/Wildomar.pdf), as well as in conjunction with Wildomar Ordinance No. 52 (see <http://www.cityofwildomar.org/uploads/files/city-clerk/ordinances/52.pdf>).

Response BBSM-1

The commentors state the Draft EIR fails to discuss impacts and mitigation associated with the Project location in a very high fire hazard severity zone; and that the Draft EIR is internally inconsistent regarding the evaluation of potential wildfire hazards.

The commentors conflate CEQA analysis requirements with Building Code and Fire Code design requirements. The Draft EIR accurately recognizes and discloses the Project location within a fire hazard area (Draft EIR, p. 1-22). Regarding fire hazard designations, to clarify for the commentors, the Project site is designated as subject to High wildfire hazards per the City of Wildomar General Plan, Figure S-11. The California Department of Forestry and

Fire Protection (CAL FIRE) and City have also designated areas of the City generally west and east of I-15 (including the Project site) as a “Very High Fire Hazard Severity Zone” for the purposes of the California Building Code and California Fire Code.

The City has adopted and implemented the California Fire Code. The California Fire Code identifies fire prevention and protection measures required of all new development within the City. The Fire Code specifically considers and addresses fire prevention and protection measures within areas subject to wildfire hazards. The City has also adopted and implemented the California Building Code including fire prevention and protection measures. See also: <http://qcode.us/codes/wildomar/>.

The Project is required by law to conform to applicable provisions of the California Building Code and California Fire Code. The City and the Riverside County Fire Department have established site plan and building plan review processes to ensure that development projects conform to applicable provisions of the California Building Code and California Fire Code. Compliance with applicable Building Code and California Fire Code provisions reduces fire hazard impacts to levels that would be less-than-significant. CEQA does not require mitigation of impacts determined to be less-than-significant. All final building plans and final site plans for the Project would be subject to review and approval by the City and the Riverside County Fire Department prior to the issuance of development permits. Findings and conclusions of the EIR are not affected.

Comment BBSM-2

The Draft EIR then continues as follows: “To minimize potential fire hazards including potential wildfire hazards, all structures would be constructed consistent with California Fire Code requirements. Additionally, two fuel modification zones would be incorporated along the perimeter of the developed Project area (the “Wildland/Urban” interface) acting to reduce fuel loads and the potential for fires to approach and reach structures. Moreover, the Project site and surrounding areas are currently provided fire protection and emergency response services by the Riverside County Fire Department/Cal Fire. Development fees and taxes paid by the Project act to offset its incremental demands for fire protection services” (DEIR, p. 1-22).

Response BBSM-2

Draft EIR citation provided by the commentors is materially correct. Findings and conclusions of the EIR are not affected.

Comment BBSM-3

But despite the measures discussed above in order “[t]o minimize potential fire hazards including potential wildfire hazards,” the Draft EIR dismissively concludes that “[t]he potential for the Project to expose people or structures to a significant risk of loss, injury or death involving wildland fires is considered to be less-than-significant.” (DEIR, p. 1-22.) However, under established CEQA thresholds of significance, the Project would have potentially adverse fire safety impacts because it would “expose people or structures to a significant risk of loss, injury or death involving wildfires.” (See “CEQA Guidelines Appendix G Checklist, Section VIII. (h);” Initial Study, pp. 3-17, 3-19.)

Response BBSM-3

The commentors incorrectly state that the Project would have potentially adverse fire safety impacts because it would expose people or structures to a significant risk of loss, injury or death involving wildfires.

The Draft EIR substantiates that potential wildfire hazards affecting the Project site are minimized through compliance with California Fire Code requirements, complemented by the Project design concepts including but not limited to incorporation of perimeter fuel modifications zones (Draft EIR, p. 1-22, et al.). The City, through established site plan and building permit review processes, would ensure compliance of the Project final designs with all Building Code, Fire Code, and Riverside County Fire Department requirements.

Note further that CEQA requires analysis of impacts of a given project on the environment, not impacts of the environment on a project, to the extent that the project under consideration does not exacerbate existing potentially adverse conditions. In this regard, the Project evaluated in the EIR does not exacerbate existing wildfire hazards affecting the subject site. Rather, the Project would minimize existing wildfire hazards by reducing native fuel loads, incorporation of fire hazard-reducing fuel modifications zones, introduction of fire protection infrastructure, and mandated compliance with fire

prevention and fire protection measures stipulated within the Building Code and Fire Code. In general terms, continuing urbanization of the City such as is proposed by the Project acts to reduce existing wildfire hazards by ensuring that proposed development complies with applicable Building Code and Fire Code requirements, and complementary provision of requisite fire protection services and fire protection infrastructure.

Comment BBSM-4

Therefore, in the Final EIR for this Project, please adequately analyze Project location within a Very High Fire Hazard Severity Zone, and please discuss the impacts and mitigation measures which would follow as a matter of course to such analysis. At a minimum, in addition to the two fuel modification zones referred to above, the provisions of Section 4905.2 of the California Fire Code, and the codes referenced therein, should be implemented as mitigation measures for the Project. Section 4905.2 of the California Fire Code provides as follows:

“4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code including the following:

- 1. California Building Code Chapter 7A,*
- 2. California Residential Code Section R327,*
- 3. California Reference Standards Code Chapter 12-7A*
- 4. and this chapter. “ (Cal. Fire Code § 4905.2)*

Response BBSM-4

The commentors note that the Project would be required to comply with applicable Building Code and Fire Code requirements. This is consistent with discussions presented in the EIR (Draft EIR, p. 1-22, et al.), and as summarized in the preceding Responses. The Project, by law, would be required to comply with all applicable Building Code and Fire Code requirements. Requisite compliance with laws, regulations, and ordinance, need not be incorporated as mitigation in the EIR. Compliance with applicable Building Code and California Fire Code provisions reduces fire hazard impacts to levels that would be less-

than-significant. CEQA does not require mitigation of impacts determined to be less-than-significant. The Lead Agency at its discretion may incorporate and restate these requirements (and others) as Project Conditions of Approval. Please refer also to Responses BBSM-1 through BBSM-3. Findings and conclusions of the EIR are not affected.

Comment BBSM-5

While the Initial Study Correctly Finds Potentially Significant Impacts Increasing Demands for Fire Protection Services, the Draft EIR Fails to Identify Specific Mitigation Measures to be Implemented through Payment of the Fire Impact Fee.

The Initial Study properly finds that the new development proposed by the Project would result in increased demands for fire protection services (Initial Study, pp. 3-27 through 3-28.) However, while the Draft EIR does require the payment of a 'Fire Impact Fee' (see DEIR, p. 1-30), there is no specific mitigation required to take place as a result of the mitigation fee program said to offset the significant impact to the adequate provision of fire services noted by the Riverside County Fire Department in its NOP Comment Letter dated May 10, 2016. This is a violation of CEQA; more specifically, under CEQA, a commitment to pay fees is not adequate mitigation if there is no evidence that mitigation will actually result.

Therefore, in the Final EIR for this Project, please explain how payment of the 'Fire Impact Fee' will translate into actual mitigation of impacts which will increase demands for fire protection services.

Response BBSM-5

The commentor incorrectly interprets the CEQA threshold question presented at Initial Study pp. 3-27, 3-28), restated below for ease of reference:

Would the project result in substantial adverse physical impacts associated with the provision of the new or physically altered governmental facilities, need for new or physically altered governmental facilities, *the construction of which could cause significant environmental impacts*, [emphasis added] in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services . . .

Responsive discussion is presented at Draft EIR pp. 4.8-9 – 4.8-11, excerpted below.

Fire Protection Services

Fire protection/suppression and emergency medical response services for the Project would be provided by the Riverside County Fire Department (RCFD), in cooperation with CAL FIRE. The Riverside County Fire Department Strategic Planning Bureau provides the following information regarding RCFD fire protection services for the Project site:

The three nearest Fire Stations that would respond to an incident at the Project site are:

1. Station #61 (Wildomar), 32637 Gruwell Street, Wildomar, CA 92595
2. Station #68 (Menifee), 26020 Wickard Road, Menifee, CA 92584
3. Station #94 (Canyon Hills), 22770 Railroad Canyon Road, Lake Elsinore, CA 92532

From the above listed fire stations, the approximate response time for the first engine is 5 minutes after dispatch, the second within 6 minutes and the third within 8 minutes to the proposed development located in the area of Bundy Canyon Road cross of Tulip Lane in the City of Wildomar.

All the above-mentioned Fire Stations are staffed full-time, 24 hours/7 days a week, with a minimum 3 person crew, including Paramedics service, operating a “Type-1” structural firefighting apparatus.

Wildomar Fire Station 61, located approximately 2.0 miles southwesterly of the site, would likely provide initial response to the Project site based on its proximity.

The Project would be served by existing fire protection services. The Riverside County Fire Department 2015 Annual Report indicates 2,958 Fire Department incident responses within the City of Wildomar (Annual Report, p. 11). Current (2016) California Department of Finance (DOF) estimated population of the City of Wildomar is 35,168 persons. While not strictly population driven, this would indicate an incident response to population ratio of 0.084, or approximately one incident per 11.9 persons. In this context, the Project at 140 dwelling units and an estimated 3.33 persons per household, the Project service population (466 persons) would account for approximately 39 incident responses annually, or approximately 1.3 percent of the 2,958 Department responses recorded in the Annual Report. Because the Project site is currently served by RCFD, and the additional 1.3 percent increase in incident responses generated by the Project would not substantively increase service demands, there is no indication that the Project would require new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts.

Nonetheless, implementation of the Project would incrementally increase demands for fire protection services and would contribute cumulatively to demands for fire protection services within the City and region. As means of offsetting these increased demands for services, the Project would be designed, constructed, and operated consistent with applicable General Plan Goals and Policies. Moreover, the Project would also comply with agency-specific criteria outlined in the Project Conditions of Approval. To this end, the Riverside County Fire Department would establish Project Conditions of Approval through the City's final site plan and plan check/building permit review processes. The Project would comply with these Conditions of Approval and any subsequent requirements of the Fire Department, should they be identified. Compliance with these requirements acts to diminish potential demands for fire department and emergency medical services.

Development impact fees and CFD 2013-1 Services tax assessed for the Project, as well as tax revenues generated by the proposal, would provide supplemental funding available to expand or enhance fire protection services available to the Project and vicinity. Development impact fees assessed of the Project would include \$43,680 toward the provision and enhancement of fire protection services. The City of Wildomar and the Riverside County Fire Department would ultimately determine the most effective use and allocation of Project revenues employed for the provision and enhancement of fire protection services.

As substantiated in the preceding discussion, the Project would incrementally increase demands on fire protection services. These demands are offset by impact fees and taxes that would be paid by the Project. However, there is no indication that the nominal increase in service demand generated by the Project would require new or expanded fire protection facilities, the construction of which could cause significant environmental impacts.

The commentor expresses concern that fire impact fees collected from the Project would not be directed to necessary fire protection improvements. The fire impact fees assessed of the Project would be assessed based on the nexus of the Project with its incremental demands on fire services as established within nexus studies completed by the City, e.g., *City of Wildomar Impact Fee Study Update Report* (Colgan Consulting Corporation) April 23, 2015 and amendments.⁷ Development impact fees are collected and assigned pursuant to provisions of the City Municipal Code (see Municipal Code Article I, *Development Impact Fees*). The City Municipal Code, Section 3.44.070, *Accounting and use of development impact fees*, (excerpted below) ensures that development fees collected by the City are appropriately collected and assigned in order to offset incremental impacts of development within the City.

⁷ Development impact fees assessed of the Project would include \$43,680 toward the provision and enhancement of fire protection services. Total fees are calculated based on the fee according to development type (\$312) multiplied by the number of dwelling units (140 DU). Please refer also to Table ES-2: Impact Fees per Unit of Development – Fire Protection.

The City shall establish separate accounts for each category of development impact fee established by the City Council and deposit development impact fees collected into the appropriate account. The money deposited into these accounts, and any interest earnings thereon, shall be used solely for the public improvements, public services, and community amenities for which the development impact fees were imposed. Development impact fees may be used to pay the principal, interest and other costs of bonds, notes and other obligations issued or undertaken by or on behalf of the City to finance such improvements, services and amenities.

The City, in consultation with Riverside County Fire Department, would assign development impact fees and taxes generated by the Project to necessary fire protection improvements, thereby ensuring that incremental effects of the Project of fire protection services are appropriately addressed.

Requisite payment of development impact fees established by City Ordinance need not be explicitly stated as “mitigation” in the EIR. The City would, at its discretion, incorporate and restate ordinance requirements as Project Conditions of Approval. Findings and conclusions of the EIR are not affected.

Comment BBSM-6

To avoid unnecessary danger to human life and needless litigation, please address the foregoing issues in the Final EIR for the Project.

Response BBSM-6

The Project would not result in unnecessary danger to human life. Litigation of any Project subject to CEQA is possible. The commentor’s concerns are addressed at preceding Responses BBSM-1 through BBSM-5. Findings and conclusions of the EIR are not affected.

4.0 MITIGATION MONITORING PLAN

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring plan has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described at *CEQA Guidelines* Section 15097, this MMP employs reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section at Table 4.2-1.

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Wildomar is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1
Bundy Canyon Resort Apartment Project
Mitigation Monitoring Plan

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Traffic and Circulation</u>				
4.2.1 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of improvements described below, listed at Draft EIR Table 4.2-8, and indicated at Draft EIR Table 4.2-10. Improvements funding sources for improvements are indicated parenthetically. Instances where improvements are the same as those required under previous analytic scenarios are identified.	Prior to issuance of building permits.	Applicant.	City of Wildomar.	Prior to issuance of building permits.
<ul style="list-style-type: none"> • Intersection No. 4 - Sellers Rd. / Bundy Canyon Rd. <ul style="list-style-type: none"> ◦ Traffic Signal (DIF) • Intersection No. 7 - Walnut Creek Rd. / Bundy Canyon Rd. <ul style="list-style-type: none"> ◦ 2nd EB through lane (TUMF/DIF) ◦ 2nd WB through lane (TUMF/DIF) 				
4.2.2 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of improvements described below, listed at Draft EIR Table 4.2-8, and indicated at Draft EIR Table 4.2-12. Improvements funding sources are indicated parenthetically. Instances where improvements are the same as those required under previous analytic scenarios are identified.	Prior to issuance of building permits.	Applicant.	City of Wildomar.	Prior to issuance of building permits.
<ul style="list-style-type: none"> • Intersection No. 4 -Sellers Rd. / Bundy Canyon Rd. <ul style="list-style-type: none"> ◦ Traffic Signal (DIF) Same as Existing with Project ◦ NB left turn lane (Requirement of other Study Area project(s)) ◦ NB shared left-through-right turn lane (Requirement of 				

Table 4.2-1
Bundy Canyon Resort Apartment Project
Mitigation Monitoring Plan

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
other Study Area project(s))				
<input type="radio"/> 2nd EB through lane (TUMF/DIF)				
<input type="radio"/> 3rd EB through lane (TUMF/DIF)				
<input type="radio"/> EB right turn lane (Requirement of other Study Area project(s))				
<input type="radio"/> WB left turn lane (Requirement of other Study Area project (s))				
<input type="radio"/> 2nd WB through lane (TUMF/DIF)				
• Intersection No. 5 - Monte Vista Dr. / Bundy Canyon Rd.				
<input type="radio"/> Traffic Signal (DIF)				
<input type="radio"/> NB left turn lane (Requirement of other Study Area project (s))				
<input type="radio"/> NB right turn lane (Requirement of other Study Area project (s))				
<input type="radio"/> 2nd EB through lane (TUMF/DIF)				
<input type="radio"/> EB right turn lane (Requirement of other Study Area project (s))				
<input type="radio"/> 2nd WB through lane (TUMF/DIF)				
• Intersection No. 6 - Canyon Ranch Rd. / Bundy Canyon Rd.				
<input type="radio"/> 2nd EB through lane (TUMF/DIF) - Same as Existing with Project				
<input type="radio"/> 2nd WB through lane (TUMF/DIF) - Same as Existing with Project				
• Intersection No. 7 - Walnut Creek Rd. / Bundy Canyon Rd.				
<input type="radio"/> 2nd EB through lane (TUMF/DIF) - Same as Existing with Project				

Table 4.2-1
Bundy Canyon Resort Apartment Project
Mitigation Monitoring Plan

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<ul style="list-style-type: none"> ○ 2nd WB through lane (TUMF/DIF) - Same as Existing with Project 				
<ul style="list-style-type: none"> ● Intersection No. 9 - Road "A" / Bundy Canyon Rd. <ul style="list-style-type: none"> ○ Traffic Signal (TUMF/DIF) ○ 2nd EB through lane (TUMF/DIF) ○ 2nd WB through lane (TUMF/DIF) 				
4.2.3 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of improvements described below, listed at Draft EIR Table 4.2-8, and indicated at Draft EIR Table 4.2-14. Improvements funding sources are indicated parenthetically. Instances where improvements are the same as those required under previous analytic scenarios are identified.	Prior to issuance of building permits.	Applicant.	City of Wildomar.	Prior to issuance of building permits.
<ul style="list-style-type: none"> ● Intersection No. 1 - Orange St. / Bundy Canyon Rd. <ul style="list-style-type: none"> ○ 2nd NB through lane (DIF) ○ 3rd EB through lane (TUMF/DIF) ○ 2nd WB left turn lane (Fair Share) ○ 3rd WB through lane (TUMF/DIF) ○ WB right turn lane (Fair Share) 				
<ul style="list-style-type: none"> ● Intersection No. 3 - I-15 NB Ramps / Bundy Canyon Rd. <ul style="list-style-type: none"> ○ 3rd EB through lane (TUMF/DIF) ○ 3rd WB through lane (TUMF/DIF) 				
<ul style="list-style-type: none"> ● Intersection No. 4 - Sellers Rd. / Bundy Canyon Rd. <ul style="list-style-type: none"> ○ Traffic Signal (DIF) - Same as Existing Conditions and 				

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<i>Opening Year</i>				
○ NB left turn lane (Requirement of other Study Area project(s)) – Same as Opening Year				
○ NB shared left-through-right turn lane (Requirement of other Study Area project(s)) – Same as Opening Year				
○ 2nd EB through lane (TUMF/DIF) - Same as Opening Year				
○ 3rd EB through lane (TUMF/DIF) - Same as Opening Year				
○ EB right turn lane (Requirement of other Study Area project(s)) – Same as Opening Year				
○ WB left turn lane (Requirement of other Study Area project(s)) – Same as Opening Year				
○ 2nd WB through lane (TUMF/DIF) - Same as Opening Year				
○ 3rd WB through lane (TUMF/DIF)				
● Intersection No. 5 - Monte Vista Dr. / Bundy Canyon Rd.				
○ Traffic Signal (DIF) - Same as Opening Year				
○ NB left turn lane (Requirement of other Study Area project(s)) – Same as Opening Year				
○ NB right turn lane (Requirement of other Study Area project(s)) – Same as Opening Year				
○ 2nd EB through lane (TUMF/DIF) - Same as Opening Year				
○ EB right turn lane (Requirement of other Study Area project(s)) – Same as Opening Year				
○ 2nd WB through lane (TUMF/DIF) - Same as Opening Year				
● Intersection No. 8 - Oak Canyon Dr. / Bundy Canyon Rd.				
○ 2nd EB through lane (TUMF/DIF)				

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<ul style="list-style-type: none"> ○ 2nd WB through lane (TUMF/DIF) ○ Traffic Signal (DIF) 				
<ul style="list-style-type: none"> ● Intersection No. 9 - Road "A" / Bundy Canyon Rd. <ul style="list-style-type: none"> ○ Traffic Signal (TUMF/DIF) - Same as Opening Year ○ 2nd EB through lane (TUMF/DIF) - Same as Opening Year ○ 2nd WB through lane (TUMF/DIF) - Same as Opening Year ○ SB shared left-through-right turn lane (Requirement of other Study Area project(s)) ○ EB left turn lane (Fair Share) 				

Air Quality

4.3.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.

Prior to building plan submittal(s). Applicant. City of Wildomar. Prior to issuance of building permits.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
4.3.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five (5) minutes at any location. This measure is intended to apply to construction traffic.	Prior to grading plan submittal(s).	Applicant.	City of Wildomar.	At issuance of grading permit(s).
4.3.3 All off-road diesel-powered construction equipment ≥ 150 hp shall meet California Air Resources Board (CARB) Tier 4 emission standards.	Ongoing throughout construction activities.	Construction contractor(s).	City of Wildomar.	Ongoing throughout construction activities.
4.3.4 Only "Zero-Volatile Organic Compounds" paints (no more than 50 grams/liter of VOC) and/or High Volume Low Pressure (HVLP) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used. To the extent practicable, construction materials that are pre-painted, or that do not require painting should be employed.	Ongoing throughout construction activities.	Applicant.	City of Wildomar.	Ongoing throughout construction activities.
4.3.5 To ensure that localized construction-source emissions do not exceed modeled estimates presented in the AQIA, daily site disturbance during site preparation and grading shall not exceed 5 acres per day. Additionally, BACMs per Mitigation Measures 4.3.1 through 4.3.4 shall be implemented to reduce and control localized emissions.	Ongoing throughout site preparation and grading activities.	Construction Contractor(s).	City of Wildomar.	Ongoing throughout site preparation and grading activities.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><u>Noise</u></p> <p>4.5.1 <i>Install minimum 6-foot high temporary construction noise barriers at the Project site boundaries (as shown on Exhibit 11-A of the Noise Impact Analysis) for the duration of construction activities at the Project site. The temporary noise barrier shall have the following lengths: 130 feet at receiver location R2, 540 feet at receiver location R4, and 680 feet at receiver location R5. The noise control barriers must present a solid face from top to bottom.</i></p> <ul style="list-style-type: none"> • <i>The barriers shall provide a weight of at least 4 pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the noise source. The noise barrier shall be constructed using one of the following materials:</i> <ul style="list-style-type: none"> ○ <i>An acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts;</i> ○ <i>Masonry block;</i> ○ <i>Stucco veneer over wood framing (or foam core), or 1 inch thick tongue and groove wood of sufficient weight per square foot;</i> ○ <i>Glass (1/4 inch thick), or other transparent material with sufficient weight per square foot;</i> ○ <i>Earthen berm;</i> ○ <i>Any combination of these construction materials satisfying a weight of at least 4 pounds per square foot of face area.</i> • <i>The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or</i> 	Ongoing throughout construction activities.	Construction Contractor(s).	City of Wildomar.	Ongoing throughout construction activities.

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<p><i>openings between the barrier and the ground shall be promptly repaired.</i></p> <ul style="list-style-type: none"> • The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity. 	Prior to development permit application submittal(s).	Applicant.	City of Wildomar.	At issuance of development permit(s).

Geology and Soils

4.7.1 Design and development of the Project shall comply with recommendations and performance standards identified in the Geotechnical Investigation (Investigation, Draft EIR Appendix G) at pages 9 through 29, Sections 9.1 through 9.14. Where the Project Geotechnical Investigation is silent, requirements of the California Building Code as adopted and implemented by the City of Wildomar shall prevail. The Project Geotechnical Investigation provides recommendations and performance standards for the following design and development components/attributes:

- General Considerations (Investigation, pp. 9 - 10);
- Soils Characteristics (Investigation, pp. 10 - 12);
- Grading (Investigation, pp. 12 - 14);
- Graded Slopes (Investigation, pp. 14 - 15);
- Earthwork Grading Factors (Investigation, p. 15);
- Fill Settlement (Investigation, p. 16);
- Foundation and Concrete Slabs-on-Grade (Investigation, pp. 16 - 21);
- Exterior Concrete Flatwork (Investigation, p. 22);

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<ul style="list-style-type: none"> • Conventional Retaining walls (Investigation, pp. 23 - 24); • Lateral Loading (Investigation, p. 24); • Swimming Pools/Spas (Investigation, pp. 24 - 25); • Pavement Design (Investigation, pp. 25 - 28); • Site Drainage and Moisture Protection (Investigation, pp. 28 - 29); and • Plan Review (Investigation, p. 29). 				
Biological Resources				
<p>4.11.1 Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the Project Applicant shall demonstrate to the satisfaction of the City of Wildomar that either of the following have been or will be accomplished.</p> <p>Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.</p> <p>Other construction activities besides vegetation removal may occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) provided that all suitable habitat is thoroughly surveyed for the presence of nesting birds within 7 days prior to construction activities. If any active nests are detected, a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and</p>	<p>Prior to grading plan submittal(s).</p>	<p>Applicant.</p>	<p>City of Wildomar.</p>	<p>At issuance of grading permit(s).</p> <p>Ongoing throughout construction.</p>

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>avoided until the nesting cycle is complete. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts.</p> <p>4.11.2 Prior to the issuance of any grading permit, the Project Applicant shall comply with applicable provisions of the MSHCP, including payment of the MSHCP Local Development Mitigation Fee; compliance with avoidance and minimization measures identified at Section 6.1.2 of the MSHCP pertaining to Riparian/Riverine Areas; compliance with Section 6.1.4 of the MSHCP pertaining to the Urban/Wildlands Interface; and compliance with Section 6.3.2 of the MSHCP pertaining to Burrowing Owl Survey Area requirements.</p>	Prior to issuance of any grading permit.	Applicant.	City of Wildomar.	Prior to issuance of any grading permit.
<p>4.11.3 In compliance with the MSHCP, a pre-construction survey for the burrowing owl shall be completed within 30 days prior to ground disturbance to determine the presence of burrowing owls.</p> <p>If burrowing owls are determined present during the 30-day pre-construction survey, occupied burrows shall be avoided to the greatest extent feasible, following the guidelines in the Staff Report on Burrowing Owl Mitigation published by Department of Fish and Wildlife (March 7, 2012) including, but not limited to, conducting pre-construction surveys, avoiding occupied burrows during the nesting and non-breeding seasons, implementing a</p>	Within 30 days prior to commencement of ground-disturbing activities.	Applicant.	City of Wildomar.	At issuance of the first development permit that would result in ground-disturbance.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers.</p> <p>If occupied burrows cannot be avoided, acceptable methods may be used to exclude burrowing owl either temporarily or permanently, pursuant to a Burrowing Owl Exclusion Plan that shall be prepared and approved by the County of Riverside Environmental Programs Department (EPD), in coordination with the CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with the guidelines in the Staff Report on Burrowing Owl Mitigation and the MSHCP.</p>				
<p>In accordance with the MSHCP, take of active nests shall be avoided. Passive relocation (i.e., the scoping of the burrows by a burrowing owl biologist and collapsing burrows free of young) shall occur when owls are present outside the nesting season. The EPD may require translocation sites for the burrowing owl to be created in the MSHCP reserve for the establishment of new colonies pursuant to MSHCP objectives for the species. Translocation sites, if required, shall be provided in consultation with EPD and/or CDFW taking into consideration unoccupied habitat areas, presence of burrowing mammals, existing colonies, and effects to other MSHCP Covered Species.</p>				

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>4.11.4 Prior to and During Construction of the Permanent Bridge Crossing access to Bundy Canyon Road:</p> <ul style="list-style-type: none"> • Permanent bridge and abutments shall be scheduled to commence outside of the least Bell's vireo nesting season (approximately April 10 until July 31, depending on when the birds arrive from and depart to wintering areas). • Any bridge construction activities that commence during the least Bell's vireo nesting season (April 10 until July 31) shall incorporate habitat surveys to determine potential presence of least Bell's vireo. Such surveys shall be conducted by a qualified biologist within three days prior to construction. The survey area shall consist of the bridge impact area (bridge footprint and abutments) and a 500-foot buffer around the bridge impact area. If any active nests are detected within the survey area, a buffer of 500 feet around the nest shall be delineated, flagged, and avoided until the nesting cycle is complete. The avoidance buffer may be modified and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts. Supporting documentation in the form of the EIR Mitigation Monitoring Plan shall be prepared and submitted to CDFW and/or USFWS on completion of construction to outline any proposed monitoring activities. • If least Bell's vireo is observed within the survey area during the 3-day pre-construction survey, the following measures 	Throughout construction of the Permanent Bridge Crossing access to Bundy Canyon Road	Applicant.	City of Wildomar.	Ongoing throughout construction of the Permanent Bridge Crossing access to Bundy Canyon Road

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>shall be taken to minimize potential indirect impacts to least Bell's vireo:</p> <ul style="list-style-type: none"> ○ Prior to construction, a training program shall be developed and implemented by the Project biologist to inform all construction personnel workers about the listed species, its habitat, and the importance of complying with species avoidance and impact minimization measures. ○ All construction work shall occur during daylight hours. The construction contractor shall limit all construction-related activities that would result in high noise levels according to the construction hours determined by the City of Wildomar. ○ Construction contractors shall install properly operating and maintained mufflers on all construction equipment, fixed or mobile, to reduce construction equipment noise. Mufflers shall be installed consistent with manufacturers' standards. Construction contractors shall orient stationary construction equipment so that emitted noise is directed away from any occupied least Bell's vireo habitat. ○ Construction contractors shall stage equipment in areas that will create the greatest distance between construction noise sources and habitat that is occupied during the breeding season. 				

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<ul style="list-style-type: none"> ○ If the Project biologist determines that noise from the construction activities may be affecting the normal expected breeding behavior of birds, the construction supervisor shall be informed and work shall be ceased until appropriate measures are implemented. This may include monitoring by a qualified acoustician to verify noise levels are below 60 dBA within areas of occupied habitat. If the 60 dBA requirement is exceeded the acoustician shall make operational changes, utilize technology to reduce construction noise such as mufflers, and/or install a barrier to alleviate noise levels during the breeding season. Installation of noise barriers and any other corrective actions taken to mitigate noise during the construction period shall be communicated to the USFWS and CDFW. ○ If after all corrective actions are implemented the monitoring biologists determines that the normal expected breeding behavior of birds is still being affected, work shall again be ceased and the USFWS and CDFW shall be contacted to discuss the appropriate course of action. 	Prior to grading/access plan submittal(s).	Applicant.	City of Wildomar.	At issuance of any grading permit.
4.11.5 The Project Applicant shall provide an overlay of all surveyed CDFW jurisdictional and MSHCP riparian/riverine limits on affected Project final grading and construction access plans. Prior to issuance of any grading permit, the City of Wildomar shall confirm that no permanent or temporary impacts to CDFW jurisdictional areas would result from Project construction				

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>or operations. If based on the information provided, the City cannot make such determination, the Project Applicant shall provide CDFW-approved Section 1602 documentation for the Project.</p> <p>4.11.6 Riparian/riverine areas within the Project site not affected by the Project footprint shall be delineated and described within the Project property title documents. Riparian/riverine areas within the Project site not affected by the Project footprint shall be conserved in perpetuity via the recordation of a deed restriction.</p>	Deed restriction recorded prior to submittal of first development permit application.	Applicant.	City of Wildomar.	Deed restriction verified at issuance of first development permit. Ongoing monitoring by City to ensure that all future development would not affect deed-restricted riparian/riverine areas.
<p>Cultural Resources</p> <p>4.12.1 To address the possibility that historical, archaeological, and/or tribal cultural resources (collectively referred to as "cultural resources" in these mitigation measures) may be encountered during grading or construction, a qualified professional archaeologist shall monitor all construction activities that could potentially impact cultural resources (e.g., grading, excavation, and/or trenching). Luiseño Tribe(s) may assign individuals to monitor all grading, excavation and groundbreaking activities as well, and the Tribal monitor(s) shall be allowed on site during any construction activities that could potentially impact cultural resources. However, monitoring may be discontinued as soon as the qualified professional archaeologist and the Luiseño Tribe(s) are satisfied that construction will not disturb cultural resources.</p>	Ongoing throughout ground-disturbing activities and at the discretion/direction of the Project Archaeological Monitor and Tribal Monitor.	Applicant.	City of Wildomar, Project Archaeological Monitor; Tribal Monitor.	Ongoing throughout ground-disturbing activities and at the discretion/direction of the Project Archaeological Monitor and Tribal Monitor.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
4.12.2 Prior to the issuance of any grading permit, the project archaeologist shall file a Cultural Resources Monitoring Mitigation Plan report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Tribe(s) that intend to assign Tribal monitor(s) pursuant to Mitigation Measure 4.12.1. The archaeologist and the Tribal monitor(s) will have the authority to temporarily halt and redirect grading activities in order to evaluate the significance of any cultural resources discovered on the project site.	At grading permit application submittal(s).	Applicant.	City of Wildomar, Project Archaeological Monitor; Tribal Monitor.	At issuance of grading permits.
4.12.3 Prior to the issuance of any grading permit, the project applicant shall contact the Luiseño Tribe(s) with notification of the proposed grading and shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with each Tribe that determines its tribal cultural resources may be present on the site. The agreements shall include, but not be limited to, outlining provisions and requirements for addressing the handling of tribal cultural resources; project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains, discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures. A copy of the signed	Prior to grading permit application submittal(s).	Applicant.	City of Wildomar, Project Archaeological Monitor; Tribal Monitor.	At issuance of grading permits.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>agreements shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.</p> <p>4.12.4 If during grading or construction activities cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archaeologist (retained by the Applicant) and the Tribal monitor(s). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archaeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and/or Tribal monitor(s) determines the resources to be historical or unique, avoidance and/or mitigation shall be required pursuant to and consistent with CEQA Guidelines Section 15064.5 and 15126.4, Public Resources Code Section 21083.2, and the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3.</p>	Ongoing throughout ground-disturbing activities.	Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	City of Wildomar, Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	Ongoing throughout ground-disturbing activities.
<p>4.12.5 All cultural resources, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.12.3, collected during the grading monitoring program and from any previous archaeological studies</p>	Ongoing throughout ground-disturbing activities.	Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	City of Wildomar, Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	Ongoing throughout ground-disturbing activities.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility or any other facility that meets the standards set forth in 36 Code of Federal Regulations (CFR) Part 79 for federal repositories.</p> <p>4.12.6 If inadvertent discoveries of cultural or archaeological resources are made, the Project Applicant, Project archaeologist, and the appropriate Luiseño Tribe(s) (Tribe) shall assess the significance of the resources and meet and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). Cultural and archaeological resources are inadvertent discoveries when they were not anticipated to be found during the Project's activities. This may include previously unknown sacred sites and items, midden deposits, artifacts, hearths, bedrock outcrops, human remains and other resources, etc.</p> <p>If the Project Applicant, Project archaeologist, and Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, then the Project Applicant and the Tribe shall agree on an independent qualified archeologist who shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural resources. The decision of the independent qualified archeologist may be challenged by the City, Project Applicant or</p>	Throughout ground-disturbing activities.	Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	City of Wildomar; Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	Throughout ground-disturbing activities.

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<p>the Tribe through any appropriate legal means including, but not limited to, a temporary restraining order or preliminary injunction.</p> <p>4.12.7 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within twenty-four (24) hours. Subsequently, the Native American Heritage Commission shall identify the most likely descendant and notify them of discovery. The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98 and the Agreement required under Mitigation Measure required under Mitigation Measure 4.12.2 [Mitigation Measure 4.12.3].</p>	Throughout ground-disturbing activities.	Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	City of Wildomar; Construction contractor(s); Project Archaeological Monitor; Tribal Monitor.	Throughout ground-disturbing activities.
<p>4.12.8 Construction personnel involved in excavation and grading activities shall be informed of the possibility of discovering fossils at any location and the protocol to be followed if fossils are found. A professional meeting the Society of Vertebrate</p>	Pre-construction training prior to commencement of construction activities; plan notes to be	Construction contractors; Project Paleontological	Construction contractors; Project Paleontological Monitor	Training and construction personnel participation documentation provided to the City prior to issuance of

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Bundy Canyon Resort Apartment Project
Mitigation Monitoring Plan

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>Paleontology standards shall provide the preconstruction training. The City shall ensure the grading plan notes include specific reference to the potential discovery of fossils. If potentially unique paleontological resources (fossils) are inadvertently discovered during Project construction, work shall be halted immediately within 50 feet of the discovery, the City shall be notified, and a professional paleontologist shall be retained to determine the significance of the discovery. The paleontologist shall establish procedures for paleontological resource surveillance throughout Project construction and shall establish, in cooperation with the Project Applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. Excavated finds shall be offered to a State-designated repository such as the Museum of Paleontology at the University of California, Berkeley, or the California Academy of Sciences.</p>	<p>incorporated on plans prior to submittal to City; monitoring for and protection of paleontological resources ongoing throughout ground-disturbing activities.</p>	<p>Monitor</p>		<p>development permit(s); City to verify required grading plan notes prior to issuance of grading plans; monitoring for and protection of paleontological resources ongoing throughout ground-disturbing activities.</p>