

EXHIBIT 3

Village @ Monte Vista Mixed-Use Project Final MND/Response to Comments



FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR
THE VILLAGE AT MONTE VISTA MIXED-USE PROJECT
(Planning Application 18-0034)
SCH# 2018101046

LEAD AGENCY:
CITY OF WILDOMAR
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Prepared by:
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San Diego, CA 92124

December 2018

1.0 INTRODUCTION

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

1.1 BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS FOR THE PROJECT

INITIAL STUDY

The IS/MND was available for public and agency review beginning October 23, 2018, with the 30-day review period ending on November 21, 2018. The City received two comment letters during this review period.

RESPONSE TO COMMENTS

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

1.2 INTENDED USES OF THE IS/MND

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

CONSIDERATION OF COMMENTS

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

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

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

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

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

1.3 ORGANIZATION AND SCOPE OF THIS DOCUMENT

This document is organized in the following manner:

SECTION 1.0 – INTRODUCTION

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

SECTION 2.0 – COMMENTS AND RESPONSES TO COMMENTS

Section 2.0 lists the commenter, summarizes written comments (coded for reference), and includes responses to those comments made on the IS/MND. No revisions to the IS/MND are required.

2.1 LIST OF COMMENTERS

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

Letter	Agency, Organization, or Individual	Date
A	Lacy, Padilla, Agua Caliente Band of Cahuilla Indians	November 7, 2018
B	Glenn Robertson, Regional Water Quality Control Board	November 8, 2018

2.2 COMMENTS AND RESPONSES

RESPONSES TO COMMENT LETTERS

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

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

Comment Letter A – Agua Caliente Band of Cahuilla Indians

From: [Padilla, Lacy \(TRBL\)](#)
To: [Matthew Bassi](#)
Subject: MND for The Village at Monte Vista Mixed Use Project (PA No. 18-0034)
Date: Wednesday, November 07, 2018 2:12:28 PM

Greetings,

A-1

A records check of the Tribal Historic preservation office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Thank you,

Lacy Padilla

Archaeological Technician
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, CA 92264
760-699-6956 Office
760-333-5222 Cell

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Comment Letter A – Agua Caliente Band of Cahuilla Indians

- A-1 The commenter states that the proposed project is not located within the Tribe's Traditional Use Area and that Agua Caliente Band of Cahuilla Indians defers to the other tribes in the area.**

The comment does not raise any environmental concerns nor address the adequacy of the IS/MND. The City of Wildomar appreciates the review by the Agua Caliente Band of Cahuilla Indians. No further response is required.

Comment Letter B – Regional Water Quality Control Board

From: [Robertson, Glenn@Waterboards](mailto:Robertson.Glenn@Waterboards)
To: [Matthew Bassi](#)
Cc: Monji, Alan@Waterboards
Subject: Comment on Mitigated Negative Declaration, The Village at Monte Vista Mixed Use Project
Date: Thursday, November 08, 2018 6:39:59 PM

To Mathew Bassi, Planning Director, City of Wildomar:

B-1

Staff of the Santa Ana Regional Water Quality Control Board (Regional Board) have reviewed the Initial Study/Mitigated Negative Declaration (MND) for The Village at Monte Vista (Project), located where Monte Vista Drive curves to the southeast in Wildomar. The concrete swale in the southwestern corner of the site constitutes the headwaters of a drainage that appears to continue beneath the I-15 to become a small, continuous wash having numerous structures within the San Diego Region. I will be forwarding your MND to our San Diego office on Friday for their consideration (November 21, 2018 deadline).

B-2

Having read the MND sufficiently to confirm watersheds, I do note disagreement with the MND's evaluation of what constitutes waters of the state for Regional Board concern (MND p. 4, 10), including an incorrect criterion that "blueline channels" provide our jurisdictional determination. All waters, even without bed and bank, constitute waters of the state. I will continue such comments at another time for any proposed Wildomar projects north of the subject Project and within the Santa Ana Region's jurisdiction. Thank you for accepting this comment-- Glenn Robertson.

Glenn S. Robertson
Engineering Geologist, PG, M.S.
Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

Phone (951) 782-3259
Fax (951) 781-6288
Email Glenn.Robertson@waterboards.ca.gov

Comment Letter B – Regional Water Quality Control Board

- B-1 The commenter asserts that the concrete swale in the southwestern corner of the site constitutes the headwaters of a drainage that appears to continue beneath the Interstate 15 freeway to become a small wash.**

As described on page 40, subsection 4 Biological Resources of the IS/MND, the site has a drainage swale which traverses the project site in a northeast to southwest direction. Based on the field investigations conducted on December 13, 2017 by RCA Associates, the drainage swale does not have downstream connectivity to any jurisdictional waters. The drainage swale onsite is isolated and only supports flows from runoff during major storm events from higher areas on the site itself as well as runoff from a nearby residential development to the north of site. Water which flows through to the drainage swale will flow in a southwest direction before entering an 18-inch culvert on the southern edge of the site near Monte Vista Drive. Additionally, runoff from Monte Vista Drive enters a storm drain near the southern edge of the site and drains onto the project site before pooling in the lowest area.

- B-2 The commenter states that that the MND does not correctly define what constitutes waters of the state under Regional Board jurisdiction.**

The commenter appears to refer to page 4 and 10 of the Jurisdictional Waters Delineation, RCA Associates, Inc. (December 2017), contained in Appendix 2.0. The City of Wildomar acknowledges the author's clarification as "all waters, even without bed and bank, constitute waters of the state" regardless of what is shown on "blue-line channels" maps.

Clarification in defining waters for the state for regional jurisdictional purposes has no bearing on the assessment and findings on the Jurisdictional Waters Delineation report or the IS/MND. No further response is required.

MITIGATION MONITORING AND REPORTING PROGRAM

The Village at Monte Vista Mixed-Use Project
Planning Application No. : 18-0034
State Clearinghouse (SCH) No. 2018101046

Lead Agency:

City of Wildomar
Contact: Matthew Bassi, Planning Director
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Preparer:

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December 2018

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1. INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Village at Monte Vista Mixed-Use Project (proposed project). An MMRP is required for the proposed project because the Mitigated Negative Declaration (MND) prepared for the project has identified significant adverse impacts, and measures have been identified to mitigate those impacts. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

2. MITIGATION MONITORING AND REPORTING PROGRAM

As the lead agency, the City of Wildomar will be responsible for monitoring compliance with all mitigation measures. Different City departments may be responsible for various aspects of the project. The MMRP identifies the department with the responsibility for ensuring that each individual mitigation measure is completed; however, it is expected that one or more departments will coordinate efforts to ensure such compliance.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Potential Significant Impact:** The significance threshold is restated to describe the potentially significant impact.
- **Mitigation Measure:** The mitigation measures to be adopted (as identified in the EIR) are restated.
- **Timeframe of Mitigation:** Identifies at which stage of the project the mitigation measure shall be completed.
- **Monitoring, Enforcement and Reporting Responsibility:** Identifies the department within the City with responsibility for mitigation monitoring.

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Mitigation Monitoring and Reporting Program

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Biological Resources			
<p>Issue 1 The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.</p>	<p>BIO-1 Vegetation clearing/grubbing, ground disturbance (e.g., grading, earthmoving, excavation, use of heavy equipment), and construction activities that may directly (e.g., grading) or indirectly (e.g., noise) affect protected nesting avian species shall be timed to avoid the typical avian nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors). If such activities are scheduled to occur during the nesting season, a qualified biologist shall conduct a preconstruction survey for nesting raptors and other protected avian species within 500 feet of proposed disturbance activities. The preconstruction survey shall be conducted no more than 14 days prior to the start of vegetation clearing/grubbing. As determined necessary by the biologist, surveys for nesting birds may be required to continue during grading/construction to address the potential for new arrivals and unique species' breeding seasons. The necessity and timing of these continued surveys shall be determined by the biologist in coordination with the City, the Western Riverside County Regional Conservation Authority, and participating wildlife agencies as needed.</p> <p>If raptors or other protected avian nests are identified during the above surveys, the qualified biologist shall notify the City, the Western Riverside County Regional Conservation Authority, and participating wildlife agencies, and an appropriate no-disturbance buffer shall be imposed (to be determined by the biologist) within which no vegetation clearing/grubbing, ground disturbance, and construction activities shall take place (generally 500 feet in all directions for raptors; other avian species may have species-specific requirements) until the young have fledged and are no longer reliant upon the nest or parental care for survival, as</p>	<p>No more than 14 days prior to any vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning Department</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	determined by the biologist.		
	<p>BIO-2 Due to the presence of potentially suitable habitat on the project site and in adjacent off-site areas, a 30-day preconstruction survey for burrowing owl is required pursuant to the MSHCP. If burrowing owls are determined present during the 30-day preconstruction survey, occupied burrows shall be avoided to the greatest extent feasible, following the guidelines in the Staff Report on Burrowing Owl Mitigation published by California Department of Fish and Wildlife (2012) including, but not limited to, conducting preconstruction surveys, avoiding occupied burrows during the nesting and non-breeding seasons, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. 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 implemented to the approval of the City and the Western Riverside County Regional Conservation Authority.</p>	No more than 14 days prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning Department
	<p>BIO-3 The following construction-related best management practices (BMPs) shall be implemented during vegetation clearing/grubbing, ground disturbance (e.g., grading, earthmoving, excavation, use of heavy equipment), and construction activities to avoid impacts to potentially occurring special-status wildlife species:</p> <p>Prior to vegetation clearing/grubbing, a biological monitor shall conduct a preconstruction meeting with the construction crew to identify appropriate access route(s) in and out of the construction area and to review project boundaries.</p> <p>Prior to vegetation clearing/grubbing, a biological monitor shall inspect the limits of protective fencing along the work limits adjacent to on/off-site habitats to remain.</p>	Prior to any vegetation removal or ground-disturbing activities City of Wildomar Planning Department	City of Wildomar Planning Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	Following construction, a qualified biologist shall ensure temporarily disturbed vegetated areas are returned to pre-project contours using a local native plant hydroseed mix.		
Issue 6 The proposed project could conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	Implementation of BIO-1	No more than 14 days prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning Department
	Implementation of BIO-2	No more than 14 days prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning Department
	Implementation of BIO-3	Prior to any vegetation removal or ground-disturbing activities City of Wildomar Planning Department	City of Wildomar Planning Department
Cultural Resources			
Issue 2 The proposed project could result in a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5.	CUL-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). The Pechanga Band of Luiseño Indians may assign individuals to monitor all grading, excavation, and groundbreaking activities as well, and the tribal monitors shall be allowed on-site during any construction activities that could potentially impact cultural resources. However, monitoring may be discontinued as soon the qualified professional and the	During any ground-disturbing construction activities	City of Wildomar Planning Department and Building and Safety Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	appropriate tribe(s) are satisfied that construction will not disturb cultural resources.		
	CUL-2 At least 30 days but no more than 60 days prior to the issuance of any grading permit, the project archaeologist shall file a pre-grading 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 monitors pursuant to mitigation measure CUL-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.	Thirty days prior to any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department
	CUL-3 At least 30 days but no more than 60 days prior to the issuance of any grading permit, the project applicant shall contact the Pechanga Band of Luiseño Indians with notification of the proposed grading and shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with the tribe. 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 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 agreement shall be provided to the Planning Director and the Building Official prior to the issuance of the first grading permit.	During any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department
	CUL-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	During any ground-disturbing construction	City of Wildomar Engineering Department and Planning Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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. If the archaeologist, in consultation with the tribes, determines the cultural resources to be either historic resources or unique archaeological 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. Further ground disturbance shall not resume within the area of the discovery until the City, project applicant, project archaeologist, and consulting tribe(s) reach an agreement regarding the appropriate treatment of the cultural resources, which may include avoidance or appropriate mitigation. Pursuant to California Public Resources Code Section 21083.2(b), avoidance is the preferred method of preservation for archaeological and cultural resources. Work may continue outside of the buffer area and will be monitored by additional tribal monitors, if needed as determined by the project archaeologist and the consulting tribe(s).	activities	
	<p>CUL-5 In the event that cultural resources are discovered during the course of grading (inadvertent discoveries), the following shall be carried out for final disposition of the discoveries:</p> <p>a) The landowner(s) shall agree to relinquish ownership of all recovered tribal cultural resources to the consulting tribe(s), including sacred items and all artifacts as part of the required treatment for impacts to cultural resources.</p>	During any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>b) One or more of the following treatment, in order of preference below, with (i) being the preferred treatment and (ii) being the secondary preferred treatment, shall be employed with the agreement of all Parties. Evidence of such agreement shall be provided to the City:</p> <p>i. Preservation in place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in place they were found with no development affecting the integrity of the resources.</p> <p>ii. On-site relocation to a preservation area shall be accomplished as requested by the consulting tribe(s). The preservation area location shall be governed by measures and provisions to protect the preservation area from any future impacts in perpetuity. Relocation shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of the consulting tribe(s).</p> <p>Only if (i) and (ii) above cannot be employed, curation shall be arranged with an appropriate qualified repository that meets federal standards per 36 CFR Part 79. The cultural resources would be professionally curated and made available to other archeologists/researchers/tribal governments for further research and culturally appropriate use. The collections and associated records shall be transferred to a curation facility meeting the above federal standards to be accompanied by a curation agreement, and payment of any fees necessary for permanent curation.</p>		
Issue 3 The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature.	CUL-6 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	During any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	Society of Vertebrate Paleontology's 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.		
Issue 4 The proposed project could disturb human remains, including those interred outside of dedicated cemeteries.	CUL-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 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.	During any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Geology and Soils			
Issue 1a The proposed project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault or strong seismic ground shaking.	GEO-1 The project applicant shall incorporate the recommendations of the preliminary geotechnical/geological engineering study prepared by Soils Southwest (2018a; Appendix 5.0) into project plans related to the proposed project. The project's building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the latest adopted version of the California Building Code. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, pipeline excavation, and installation. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist. All plans will be subject to the approval of the City Engineer.	Prior to any ground-disturbing construction activities	City of Wildomar Planning Department and Building and Safety Department
Issue 2 The proposed project could result in substantial erosion or the loss of topsoil.	Implementation of GEO-1	Prior to any ground-disturbing construction activities	City of Wildomar Planning Department and Building and Safety Department
Issue 3 The proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	Implementation of GEO-1	Prior to any ground-disturbing construction activities	City of Wildomar Planning Department and Building and Safety Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Hazards and Hazardous Materials			
Issue 8 The project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	HAZ-1 Prior to the issuance of building permits, the project applicant shall demonstrate, to the satisfaction of the City Building Official and the Riverside County Fire Chief, compliance with the 2016 California Building Code or the most recent edition of the 2016 California Fire Code (Part 9 of Title 24 of the California Code of Regulations), including those regulations pertaining to materials and construction methods intended to mitigate wildfire exposure as described in the 2016 California Building Code and California Residential Code (or most recent edition); specifically California Building Code Chapter 7A; California Residential Code Section R327; California Residential Code Section R337; California Referenced Standards Code Chapter 12-7A; and California Fire Code Chapter 49.	Prior to issuance of building permits	City of Wildomar Building Department and Riverside County Fire Department
	HAZ-2 Prior to the issuance of a certificate of occupancy, the applicant shall demonstrate, to the satisfaction of the City Building Official and the County Fire Chief, compliance with the vegetation management requirements prescribed in California Fire Code Section 4906, including California Government Code Section 51182.	Prior to issuance of certificate of occupancy	City of Wildomar Building Department and Riverside County Fire Department
Noise			
Issue 1 The project could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.	NOI-1 Construction Noise Impacts. In addition to adherence to the City of Wildomar's policies found in the Noise Element and Municipal Code limiting the construction hours of operation, the following measures shall be implemented to reduce construction noise and vibrations, emanating from the proposed project: 1. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. 2. The contractor shall place all stationary	During project construction and prior to issuance of a certificate of occupancy	City of Wildomar Planning and Public Works Departments

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>construction equipment so that emitted noise is directed away from the noise-sensitive receptors nearest the project site.</p> <ol style="list-style-type: none"> Equipment shall be shut off and not left to idle when not in use. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction. Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded, and noise shall be directed away from sensitive receptors. The contractor shall limit the use of heavy equipment or vibratory rollers and soil compressors within 25 feet of existing structures to the greatest degree possible 		
Issue 4 The project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	Implement mitigation measure NOI-1 .	During project construction	City of Wildomar Planning and Public Works Departments
Transportation/Traffic			
Issue 1 The project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle	TRA-1 Traffic Signal. The project applicant shall install a traffic signal at Monte Vista Drive / Project North Access -#6 (on "New" Street). The applicant shall also ensure that, at project buildout, all traffic signals within the study area function as a coordinated system.	Prior to Occupancy	City of Wildomar Planning Department and Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
paths, and mass transit.			
Tribal Cultural Resources			
<p>Issue 1 The project could impact tribal cultural resources that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).</p> <p>AND</p> <p>Issue 2 The project could impact tribal cultural resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.</p>	Implement mitigation measure CUL-1 .	During any ground-disturbing construction activities	City of Wildomar Planning Department and Building and Safety Department
	Implement mitigation measure CUL-2 .	Thirty days prior to any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department
	Implement mitigation measure CUL-3 .	During any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department
	Implement mitigation measure CUL-4 .	During any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department
	Implement mitigation measure CUL-5 .	During any ground-disturbing construction	City of Wildomar Engineering Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
		activities	and Planning Department
	Implement mitigation measure CUL-7 .	During any ground-disturbing construction activities	City of Wildomar Engineering Department and Planning Department

EXHIBIT 5

**Village @ Monte Vista Mixed-Use Project
Response to Caltrans Letter**

Indian Wells
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January 7, 2019

VIA E-MAIL [MBASSI@CITYOFWILDOMAR.ORG]

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

Re: The Village at Monte Vista Mixed Use Project

Dear Mr. Bassi:

On behalf of our client, Nova Homes, Inc., we have reviewed the late comment letter submitted by Caltrans regarding the Initial Study Mitigated Negative Declaration ("IS/MND") for the Village at Monte Vista Mixed Use Project ("project"). Caltrans' comment letter on the IS/MND was dated December 10, 2018. However, the public comment period for the IS/MND closed more than two weeks prior, on November 21, 2018. No response is therefore required. Regardless, the Caltrans letter makes comments regarding transit service, configuration of two intersections, requests an additional ramp merge and diverge analysis at two locations, reiterates that the project must be consistent with National Pollutant Discharge Elimination System requirements, and asks for additional information regarding the proposed storm drain system. As such, we wanted to provide responses to these comments for inclusion in the administrative record for the proposed project.

In response to the comment that the project should coordinate with the Riverside Transit Agency to determine whether potential transit system improvements or service changes may be warranted as a part of the project, we point to the IS/MND's analysis of transit issues on page 96, which determined that the project will not conflict with any adopted policies, plans, or programs related to public transit. Therefore no additional improvements or service changes are required.

In response to the request that the project's Traffic Impact Analysis ("TIA") revise the intersection geometrics for the ramp intersections of I-15 and Baxter Road, the intersection geometrics shown in the TIA are consistent with industry practice. The eastbound right at Intersection #2 and the westbound right at Intersection #4 has a measurable pavement width of 19 feet, 50 feet back of the stop bar. Common practice is to show this as a through lane and de facto right turn lane. Further, the Caltrans illustrations showing the elimination of the westbound

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left at Intersection #2 and the eastbound left at Intersection #4 remove (possibly in error) the left turn lanes that are clearly defined and marked from Baxter Road onto the on-ramps. In response to the request that the TIA include a ramp merge and diverge analysis at two locations, such an analysis is not required. This is because the project is forecast to contribute less than 50 peak hour two-way trips to the freeway mainline north of Bundy Canyon Road or south of Baxter Road. The project is not forecast to contribute to the ramps on the south side of Bundy Canyon or the ramps on the north side of Baxter Road. The forecasted traffic volume is below the threshold (which is 50 peak hour trips) for additional freeway analysis.

In response to comments regarding storm water quality, we point to the IS/MND's analysis of soil erosion (pages 54-55), and water quality (pages 67-71) which explain that the project is consistent with NPDES requirements. In response to the requests for additional information on the proposed storm drain system, this information is provided in the Tentative Hydrology Study for the project (IS/MND Appendix 8.0) and the Project Specific Water Quality Management Plan (IS/MND Appendix 9.0).

Thank you for the opportunity to respond to the comment letter statements submitted to the City on December 10, 2018. Please let us know if you any questions.

Sincerely,



Jennifer J. Lynch
for BEST BEST & KRIEGER LLP

DEPARTMENT OF TRANSPORTATION

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a California way of Life.*

December 10, 2018

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

Subject: Initial Study (IS) / Mitigated Negative Declaration (MND) for The Village at Monte Vista Mixed Use Project (PA No. 18-0034)

Dear Mr. Bassi

The California Department of Transportation (Caltrans) has completed the review of the IS / MND prepared for "The Village at Monte Vista Mixed Use Project." The proposed development project consists of the physical development of 80 detached single-family residential dwelling units with lot sizes ranging from 0.18 acres to 3.38 acres, on-site and off-site infrastructure, and a water detention basin. Additionally, the project will include a business park consisting of 4 buildings, including a four-story hotel. The project is located in the City of Wildomar and is bounded by Monte Vista Drive and Interstate 15 (I-15) to the west, Fredrick Street to the east, Baxter Road to the south and Bundy Canyon Road to the north.

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

Multimodal Accessibility

Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system. Furthermore, Caltrans is committed to ensuring that

a multimodal transportation system serves the local development project. The following are our comments concerning multimodal accessibility:

- The Riverside Transit Agency (RTA) does not provide service to this location.
 - We recommend coordinating with RTA to identify any potential improvements and/or service changes that may be warranted as part of this development.

Traffic Forecasting

The primary function of the Office of Forecasting is to provide critical project travel analysis of past, present and future traffic volumes, as well as other operational characteristics. After reviewing the TIA, we have the following comments:

Study Intersections

- (Page 20) Table 3: Existing Intersection Delay and Levels of Service

Please revise the intersection geometrics used to perform the Intersection Delay and Level of Service (LOS) analysis as follows:

Intersection #2: I-15 Freeway / Baxter Road SB Ramps

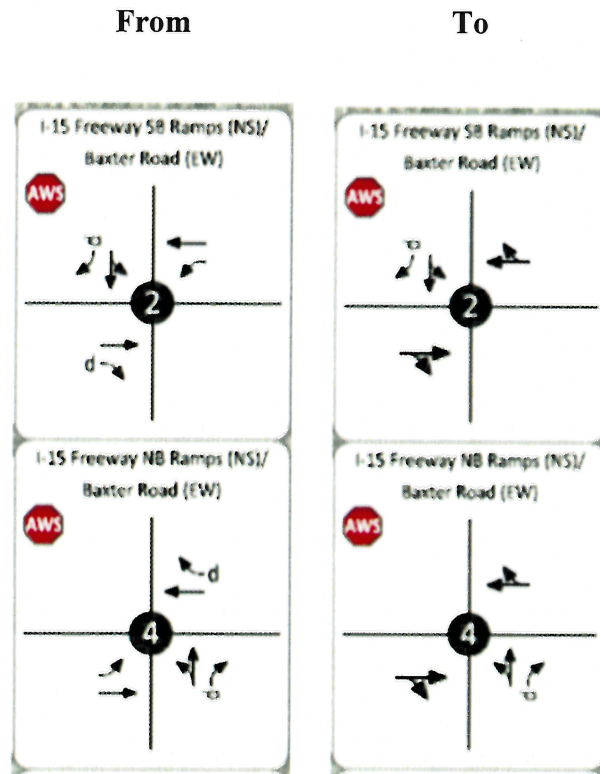
Westbound: Combine the thru lane and De Facto Right Turn Lane to “Shared Through-Right”

Southbound: Revise VISTRO analysis to consider right turn as a pocketed lane with 30 feet of storage.

Intersection #4: I-15 Freeway / Baxter Road NB Ramps

Eastbound: Combine the thru lane and De Facto Right Turn Lane to “Shared Through-Right”

Northbound: Revise VISTRO analysis to consider right turn as a pocketed lane with 30 feet of storage.



Traffic Operations

Caltrans aims to enhance the operation of the SHS to facilitate and optimize the movement of people, goods, and services in a safe and efficient manner. In regards to traffic operations, we have the following comments:

Traffic Study

- Please include a ramp merge and diverge analysis at the following locations to determine impacts of the development at the following locations:
 - I-15 / Baxter Road NB/SB Ramps
 - I-15/ Bundy Canyon Road NB/SB Ramps

Hydraulics / Storm Water Quality

In regards to hydraulics and storm water management, Caltrans aims to mitigate, abate, or reverse the adverse results, both in water quantity and water quality, associated with the altered runoff phenomena that typically accompanies urbanization. The following are our comments concerning hydraulics and storm water management:

Storm Water Quality

- The Office of Storm Water Quality reviewed the document for consistency with the National Pollutant Discharge Elimination System (NPDES) requirements. (Section 402 of the Clean Water Act). The project shall comply with the following NPDES issues:
 - NPDES Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) draining the watersheds within the San Diego Region, Order No. R9-2013-0001, and Order No. R9-2015-0100, NPDES No. CAS0109266.
 - At no time (during construction or after construction) shall untreated storm water discharge into State right of way. The Storm Water Pollution Prevention Plan (SWPPP) shall address how sediment laden storm water will not discharge into State ROW during rain events.

Hydrology Study

- The study report should analyze the existing hydrology and state how the post-condition discharge will be stored and the increased runoff mitigated.
- Page 6: Section IV states that:

"The routing shows that the post developed flows were mitigated to well below pre-developed values"

For good practice, the increased runoff should be stored and mitigated to be less than or equal to 90% of the pre-condition discharge.

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- Please provide storm drain pipe sizes, as well as any drainage facilities on-site.
- Please provide an analysis of the storm drain system that drains to Caltrans' facilities to demonstrate it can handle the extra runoff from the new development.
- Please provide drainage plans for review the proposed development.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Roberts". The signature is fluid and cursive, with the first name "Mark" and last name "Roberts" clearly distinguishable.

MARK ROBERTS, AICP
Office Chief
Intergovernmental Review, Community and Regional Planning