

Appendix B
NOP Comment Letters



Appendices

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PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



July 19, 2012

Carmen Cave
City of Menifee
29714 Haun Road
Menitee, CA 92586

Dear Ms. Cave:

Re: SCH# 2012071033; City of Menifee General Plan

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Preparation (NOP)* from the State Clearinghouse for the proposed City of Menifee (City) General Plan.

RCES recommends that the City add language to the General Plan so that any future development adjacent to or near the shared railroad/light rail right-of-way is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way and compliance with the Americans with Disabilities Act.

Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

If you have any questions, please contact Ken Chiang, Utilities Engineer at (213) 576-7076 or ykc@cpuc.ca.gov, or me at (213) 576-7078 or rxm@cpuc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "Rosa Muñoz".

Rosa Muñoz, PE
Senior Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: State Clearinghouse



COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Transportation Department



JUL 26 2012

Juan C. Perez, P.E., T.E.
Director of Transportation

Received

July 24, 2012

City of Menifee
Attn: Carmen Cave, PhD
Community Development Director
29714 Haun Road
Menifee, CA 92586

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) and Public Scoping Meeting for the City of Menifee General Plan, City of Menifee

Dear Ms. Cave:

Thank you for the opportunity to review the NOP of a DEIR for the City of Menifee General Plan. The proposed project is the preparation of the City of Menifee's first General Plan. As required by Government Code 65302 seven elements must be included in the General Plan, one of which is the Circulation Element. We offer the following comments.

The Riverside County Transportation Department (RCTD) requests that the traffic study for the proposed General Plan address potential impacts and mitigation measures on any Riverside County roadways within the area included in the Riverside County General Plan. The County requests that any roadway designations within the City's Circulation Element that extend to the City/County boundary and that differ from the County's designations be coordinated with County staff.

RCTD requests that Riverside County Traffic Study Guidelines be followed for the impact analysis for facilities within Riverside County. The most recent Traffic Study Guidelines can be found on the RCTD website (http://www.rctlma.org/trans/documents/pamphlets/traffic_impact_anaylsis.pdf).

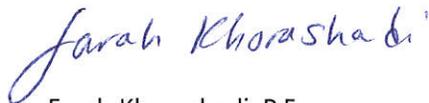
The cumulative analysis shall include all approved and pending development projects within the County of Riverside and the City of Menifee that are located within one mile of the proposed General Plan boundary. Kevin Tsang in the Transportation Department should be contacted for information regarding cumulative projects in Riverside County (ktsang@rctlma.org).

Thank you again for the opportunity to review the NOP. We look forward to receiving the Draft EIR and the traffic impact analysis for the General Plan. Please send the Draft EIR to my attention at the following address:

City of Menifee
July 24, 2012
Page 2

Riverside County Transportation Department
Attn: Farah Khorashadi, Engineering Division Manager
Riverside County Administrative Center
4080 Lemon Street, 8th Floor
Riverside, CA 92502

Sincerely,

A handwritten signature in blue ink that reads "Farah Khorashadi". The signature is written in a cursive style with a large initial 'F'.

Farah Khorashadi, P.E.
Engineering Division Manager

RF:KT:FK:rg

cc: Juan C. Perez, Director of Transportation and Land Management
Patricia Romo, Deputy Director

Rick Croy 7-30.txt

From: Rick Croy
Sent: Monday, July 30, 2012 5:04 PM
To: Carmen Cave
Subject: FW: Public Comments re Scoping Session of the Draft EIR

rcroy@firstlegalsupport.comwww.FirstLegalNetwork.com

From: Rick Croy
Sent: Monday, July 30, 2012 4:23 PM
To: Rick Croy
Subject: Public Comments re Scoping Session of the Draft EIR

Dear Dr. Cave:

Thank you for the opportunity to comment on the Draft document.

As a resident of Menifee who has long been involved in the preservation of Rural Communities, I am expressing my concern regarding pages 16 thru 19 regarding the "Expanded EDC Scenario". As stated in

the report, approximately 174 acres of Rural Residential uses may be changed to "EDC" zoning which may have VERY intense land uses. I feel it incumbent that the City provide each and every landowner here and in the immediate area with VERIFIABLE notification regarding the possible change. The residents here deserve no less, since many of these large lot residential uses may be adversely affected by just such a change.

If indeed the "Expanded EDC Scenario" is found to be supported by the Community and is fully vetted before proper Planning Commission hearings, the City will have made the right choice in reaching out and going the "extra mile" here.

Finally, I wish my comments to be made part of the public record.

Respectfully,
Rick Croy
Dispatch Manager
rcroy@firstlegalsupport.com

951-779-1110, ext. 1451 (o)
951-779-0100 (f)
213-494-3969 (c)

www.FirstLegalNetwork.com
First Legal Investigations Licenses CA PI: 24171 AZ PI: 1551710 NV PI-PS: 1452

CONFIDENTIALITY NOTICE: This message and any attachments are confidential to the sender and addressee of this e-mail and may be privileged information. If you have received this email in error, do not copy, forward, disclose or use any part of this message.

City of Menifee

AUG 02 2012

Received

July 30, 2012

Dr. Carmen Cave
City of Menifee
29714 Haun Road
Menifee, CA 92586

RE: Public Comment regarding items to be addressed in the Draft EIR for Menifee's General Plan

I appreciate the opportunity to comment, as a Menifee resident, during the 30-day public review period. The subject of my comment is regarding communication.

The Draft Land Use map contains areas, mainly along the I-215 corridor, where low density residential designations have been changed to EDC. These changes occurred during a process that spanned over 3 years. Public notification was provided in the newspaper at the beginning of this process in 2009.

I have previously encouraged city staff to individually notify by mail those real property owners whose land use designation is proposed to have very significant increase in intensity, which may effect the value of the property, as well as the allowed activity (animal keeping, etc) under the new designation.

Additionally, with the "Expanded Scenario" to be studied, should the EIR determine that the effects, or studied impacts of this EDC expansion are less than significant, the City is hereby encouraged to notify by mail both the property owners within, as well as surrounding property owners, **prior to applying** the new designation to the Land Use Map.

As a quality city, one that is transparent in all of it's actions, and is fair to it's residents and property owners, these proactive measures to communicate are essential.

Sincerely,



Bill Zimmerman
28601 Tulita lane
Menifee, CA 92584

City of Menifee

JUL 3 1 2012

Received

July 25, 2012

Attn: Carmen Cave, Community Development Director
City of Menifee, Planning Department
29714 Haun Road
Menifee, CA 92586



EST. JUNE 19, 1883

Re: Notice of Preparation of Draft Environmental Impact Report for the City of Menifee General Plan

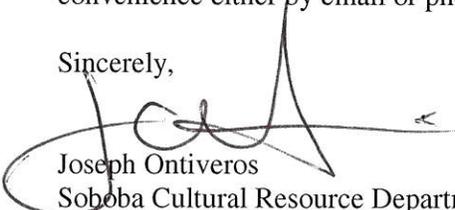
The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in close proximity to known village sites and is a shared use area that was used in ongoing trade between the Luiseno and Cahuilla tribes. Therefore it is regarded as highly sensitive to the people of Soboba.

Soboba Band of Luiseño Indians is requesting the following:

1. To initiate a consultation with the Project Developer and Land owner.
2. The transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
3. Soboba Band of Luiseño Indians continues to act as a consulting tribal entity for this project.
4. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that a Native American monitoring component be included as a mitigation measure in the Environmental Impact Report. The Tribe is requesting that a Treatment and Dispositions Agreement between the developer and The Soboba Band be provided to the City of Menifee prior to the issuance of a grading permit and before conducting any additional archaeological fieldwork.
5. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

The Soboba Band of Luiseno Indians is requesting a face-to-face meeting between the City of Menifee and the Soboba Cultural Resource Department. Please contact me at your earliest convenience either by email or phone in order to make arrangements.

Sincerely,


Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Coordination with County Coroner's Office. The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Non-Disclosure of Location Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

AUG 03 2012

Received



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

July 31, 2012

Carmen Cave, PhD, Community Development Director
City of Menifee
29714 Haun Road
Menifee, CA 92586

Notice of Preparation of a CEQA Document for the City of Menifee General Plan

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: <http://www.aqmd.gov/ceqa/models.html>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM_{2.5} emissions from construction and operational activities and processes. In connection with developing PM_{2.5} calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM_{2.5} emissions and compare the results to the recommended PM_{2.5} significance thresholds. Guidance for calculating PM_{2.5} emissions and PM_{2.5} significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,



Ian MacMillan

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

IM

RVC120713-07

Control Number

City of Menifee

AUG 03 2012

Received

TBJ MENIFEE, LLC
8105 IRVINE CENTER DRIVE, SUITE 1640
IRVINE, CA 92619
TELEPHONE: (949) 852-8288
FAX (949) 852-8108

July 31, 2012

Carmen Cave
Planning Director
City of Menifee
29714 Haun Road
Menifee, CA 92586

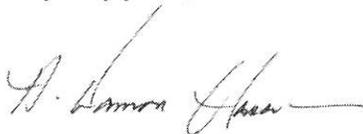
Re: City of Menifee – General Plan Environmental Impact (“EIR”) Scoping

Dear Carmen:

Thank you for meeting with Fred Fleming and me last month to discuss the Fleming Ranch Specific Plan (the “Plan”) and how the Plan will be incorporated into the City’s EIR for the General Plan update. Understanding that there are two alternative land use plans for Fleming Ranch, the “foundation” plan and the “overlay” plan, and that the City and the applicant have proposed entering into a Development Agreement that will place restrictions on the type and timing of certain land uses we believe that it is in the City’s and applicant’s best interest to Scope the EIR using the more intense of the two land plans. Accordingly, we respectfully request that the City scope the EIR using the “overlay” land use plan to ensure that the impacts generated from the proposed additional commercial/retail land uses located west of “C” Street and the twenty five (25) acre medical campus proposed for portions of planning areas E-2 and E-3 are analyzed and mitigation measures identified in the EIR.

We look forward to receiving the City’s response to our request. Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



A. Damon Gascon
Authorized Agent

CC: Keith Gardner, City of Menifee
R. Jeffery Spindler, TBJ Menifee, LLC
Fred Fleming, The Fleming Family Limited Partnership

August 1, 2012

Carmen Cave, PhD
Community Development Director
City of Menifee
29714 Haun Ave
Menifee, CA 92586

RE: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the City of Menifee General Plan

Dear Ms. Cave:

The Riverside County Waste Management Department (RCWMD) has received and reviewed the NOP for a DEIR for the City of Menifee General Plan. The DEIR will address the potential impacts associated with the proposed General Plan.

1. Build-out under the proposed General Plan Update may substantially increase the quantity of construction and demolition (C&D) waste generated within the City. Should a large quantity of the C&D waste be brought to a County landfill for disposal, it could exceed the landfill's daily permitted capacity, thus a violation of State regulations and an impact to County landfill operation. The DEIR should analyze this potential solid waste impact and discuss feasible mitigation programs by the City.
2. Build-out of the proposed project may have the potential to generate a substantial amount of waste that might adversely affect solid waste facilities. To assess waste impacts, the DEIR will need to include the projected amount of waste generated by the project, using an appropriate waste generation factor for construction activities and the project's type of land use. (Note: Consult the CalRecycle website to determine waste generation factors at: www.calrecycle.ca.gov/wastechar/wastegenrates)
 - a. Solid waste generated within city limits is collected by Waste Management Inc. (WMI), with the bulk of waste delivered to the Moreno Valley Transfer Station (MVTS). The MVTS is located at 17700 Indian Street in Moreno Valley. It is permitted for a 2,000-tpd operation.
 - b. While residual waste from the MVTS is primarily disposed of at the El Sobrante Landfill, the transfer station operator could use the Badlands Landfill for disposal of the residual waste. The following information can be useful in the analysis of solid waste impacts:

El Sobrante Landfill:

The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation.

According to Solid Waste Facility Permit (SWFP) # AA-33-0217 issued on 09/09/2009, the El Sobrante Landfill has a total disposal capacity of approximately 209.91 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpw for County refuse. The SWFP allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. As of January 1, 2011, the landfill had a remaining in-County disposal capacity of approximately 38.506 million tons. In 2010, the El Sobrante Landfill accepted a total of 694,963 tons, or approximately 0.695 million tons, of waste generated within Riverside County. The daily average for in-County waste was 2,235 tons during 2010. The landfill is expected to reach capacity in approximately 2045.

Badlands Landfill¹:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, of which 150 acres are permitted for refuse disposal and another 96 acres are designated for existing and planned ancillary facilities and activities. The landfill is currently permitted to receive 4,000 tons per day and had an estimated total capacity of approximately 15.237 million tons, as of June 30, 2009. As of January 1, 2011, the landfill had a total remaining disposal capacity of approximately 8.987 million tons. The Badlands Landfill is projected to reach capacity, at the earliest time, in 2024. During 2010, the Badlands Landfill accepted a daily average volume of 1,667 tons and a period total of approximately 516,676 tons. Further landfill expansion potential exists at the Badlands Landfill site.

3. The City is encouraged to consider incorporating the following measures to help reduce the anticipated project's solid waste impacts and enhance the City's efforts to comply with the State's mandate of 50% solid waste diversion from landfilling:
 - The project proponent shall make every effort and take every means to recycle, reuse, and/or reduce the amount of construction and demolition materials (i.e., concrete, asphalt, wood, etc.) generated by development of the project that would otherwise be taken to a landfill.
 - Since hazardous materials are not accepted at Riverside County landfills, the project proponent shall take any hazardous wastes, including paint used during construction, to only facilities permitted to receive them, in accordance with local, state, and federal regulations.
 - The project proponent shall consider the use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries and shall try to establish a green and woody waste recycling program for all landscaped areas, especially for developments with large common green areas, such as golf courses or parks, through such methods as grasscycling or composting (i.e., leaving grass clippings on lawn or sending separated material to composting facility).

¹ In the event of short term unforeseen circumstances that prevent the delivery of residual waste from MVTS to either the El Sobrante or Badlands landfills, residual waste can be disposed of at the Lamb Canyon Landfill, pending RCWMD approval.

- For commercial, industrial, institutional, or multi-family residential projects, the project proponent shall construct Refuse/Recyclables Collection and Loading Areas per the California Solid Waste Reuse and Recycling Act of 1991 (AB 1327).
4. When preparing the Land Use element, please note that the closed Menifee Landfill is located at the northwest corner of Menifee Road and Simpson Road (APN: 333-210-003). The landfill is owned by the County of Riverside and operated roughly from 1948 until it closed in 1973. Please ensure that the General Plan maintains the Public Facility (PF) land use designation and will not generate land use incompatibility issues with this closed/inactive site.

Thank you for allowing us the opportunity to comment on the NOP. Please continue to include the RCWMD in future transmittals. Feel free to call me at (951) 486-3351 if you have any questions regarding the above comments.

Sincerely,



Ryan Ross
Urban/Regional Planner IV

TRIP HORD ASSOCIATES

August 1, 2012

Dr. Carmen Cave
Planning Director
City of Menifee
29714 Haun Road
Menifee, CA 92586

RE: Menifee General Plan – EIR Scoping Meeting
APN: 327-260-021- 50 Acres; SWC Mapes Rd. at Malaga

Dear Dr. Cave:

Thank you very much for the opportunity to provide written comments relative to the Land Use Element of the City of Menifee Draft General Plan. We received notice of the Public Scoping Meeting associated with the General Plan EIR and wish to submit the following request concerning the Land Use Alternatives that will be analyzed in the project Draft Environmental Impact Report (DEIR)..

As stated in our prior correspondence dated May 27, 2010, and May 23, 2010 Passco 2M, LLC. is the owner of approximately 50 acres of vacant land located along the south side of Mapes Road along the northerly border of the City of Menifee. The property has frontage on 4 streets including an Arterial Highway (Mapes Rd.) and a Secondary Highway (Malaga Rd). In addition to the transportation/circulation that is planned for this part of the County and City there are major infrastructure and development projects that will transform this part of Riverside County and the City of Menifee as the next residential construction cycle begins. Passco and its engineer, Keller Consulting, previously submitted to the City a Land Use Map which indicated all the proposed and approved projects within the immediate area and reflected a nexus between projects and densities.

As an example of these infrastructure plans and development pressures the TrailMark project (Specific Plan 344) sits directly across Mapes Road from the subject property. This master plan and tentative tract map includes over 700 residential lots ranging from 4,000 SF to 7,000 SF. The TrailMark project anticipates an extension of EMWD sewer service as well as significant Master Drainage Plan improvements and local street and highway construction.

Our current plan is to create a reasonable density to construct homes on the perimeter of the site that would convey the rural feel of the City of Menifee and the Romoland community along with a transition mixture of $\frac{1}{4}$ and $\frac{1}{2}$ acre lots in the interior consistent with General Plan Policies. We have prepared several lotting studies that accomplish these objectives and it is our intention to file for Tentative Tract Map approval once the City has adopted a Land Use Designation that will support the density necessary to develop this project.

Development Services &
Governmental Relations

P.O. Box 1235
Riverside, CA 92502

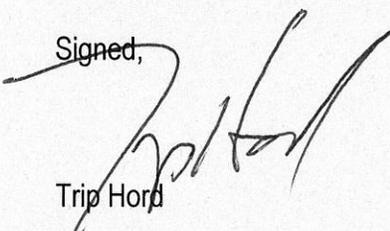
(951) 684-9615
Fax (951) 684-4875

As stated previously, we believe that it is critical in today's uncertain fiscal environment that the City provide long term growth opportunities that do not conflict with your stated General Plan Policy objectives. Balanced residential growth and the completion of infrastructure improvements will then lead to increased commercial development activity along the Highway 74 corridor..... Growth that will become critical to the City of Menifee, its fiscal health and sustainability.

On behalf of Passco 2M, LLC. we respectfully request the City include a Land Use Designation of Small Estate (SE ½ Acre Minimum) in its Alternatives Analysis for the General Plan DEIR for the 50 acre property in question.

If you require further information regarding our development plans and this request for inclusion in the DEIR Alternatives Analysis please do not hesitate to call or email at your convenience.

Signed,


Trip Hord

cc: Carey Levy – Passco 2M, LLC.



DRAFT EIR SCOPING MEETING

COMMENT FORM

MENIFEE GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT
AUGUST 2, 2012

The purpose of the public scoping meeting is to obtain input from the public regarding the scope and the content that will be analyzed in the Draft EIR for the Menifee General Plan. The proposed project is the preparation of the City of Menifee's first General Plan. As required by Government Code Section 65302 seven elements must be included in the General Plans: land use, circulation, housing, conservation, open space, noise, and safety. The General Plan would include the seven mandatory elements along with three optional elements: air quality, community design, and economic development.

Comments can be provided verbally at the scoping meeting or in written form. The deadline for submitting written comments on the Notice of Preparation is **Friday, August 10, 2012**. In the space below (and on additional pages, if necessary), please provide any written comments you may have concerning the scope of the Draft EIR for the proposed project. Your comments will be considered during preparation of the Draft EIR.

See letter dated August 1, 2012

RE: LAND USE ELEMENT

APN 327-260-021

Previous Property owner request
(#1 - December 9, 2010 updated list)

Name: TRIP HORD - FOR PASSCO Jm, LLC
Address: PO BOX 1235
City/Zip Code: Riv CA 92502
Telephone/E-mail: 951 684 9615 ambrosehord@gmail



PECHANGA CULTURAL RESOURCES

Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
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AUG 07 2012

Received

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Aurelia Marruffo
Richard B. Searce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

August 3, 2012

VIA E-MAIL and USPS

Ms. Carmen Cave, Ph. D
Community Development Director
City of Menifee, Community Development
29714 Haun Road
Menifee, CA 92586

Re: Pechanga Tribe Comments on the Notice for Preparation for a Draft Environmental Impact Report for the City of Menifee General Plan

Dear Ms. Cave:

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 "General Plan"). Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to the processing and approval of the proposed General Plan. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this General Plan. Please also incorporate these comments into the record of approval for this General Plan.

The Tribe submits these comments concerning any potential impacts that future implementing projects may have to cultural resources which can be addressed in the proposed General Plan, in conjunction with the environmental review of the Project and to assist the City in developing appropriate avoidance and preservation standards for cultural resources located within the City of Menifee and its sphere of influence.

The Pechanga Tribe has a legal and cultural interest in the cultural resources located within the City and its sphere. We have been the Lead Tribe on most projects located within the City prior to incorporation and have appreciated working with the City and its representatives on projects since incorporation. Because a General Plan is such an important planning and guidance document, the Tribe requests to continue working closely with the City to develop appropriate policies and guidelines, as well as mitigation to adequately preserve and protect the irreplaceable cultural resources in this area.

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

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

**LEAD AGENCY CONSULTATION WITH THE PECHANGA TRIBE REQUIRED
PURSUANT TO CAL. GOVT. C. §§ 65351, 65352, 65352.3, AND 65352.4
(SENATE BILL 18 – TRADITIONAL TRIBAL CULTURAL PLACES LAW)**

The Lead Agency is required to consult with the Pechanga Tribe pursuant to a State law entitled Traditional Tribal Cultural Places (also known as SB 18; Cal. Govt. C. § 65352.3). The purpose of consultation is to identify any Native American sacred places and any geographical areas which could potentially yield sacred places, identify proper means of treatment and management of such places, and to ensure the protection and preservation of such places through agreed upon mitigation (Cal. Govt. C. 65352.3; SB18, Chapter 905, Section 1(4)(b)(3)). Consultation must be government-to-government, meaning directly between the Tribe and the Lead Agency, seeking agreement where feasible (Cal. Govt. C. § 65352.4; SB18, Chapter 905, Section 1(4)(b)(3)). Lastly, any information conveyed to the Lead Agency concerning Native American sacred places shall be confidential in terms of the specific identity, location, character and use of those places and associated features and objects. This information is not subject to public disclosure pursuant the California Public Records Act (Cal. Govt. C. 6254(r)).

The Tribe submitted a comment letter January 7, 2011 to initiate SB18 consultation with the City. A subsequent meeting occurred between representatives of the Tribe and the City in which the City agreed to work closely with the Tribe on the General Plan elements that impacted cultural values and to include the Tribe in the development of the policies and guidelines. To date, the Tribe has not received additional information nor continued with consultation. In light

¹See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

² See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

of evident status of the Project as represented by this NOP, the Tribe requests to proceed with consultation.

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe has a legal and cultural interest in the proper protection of sacred places and all Luiseño cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as sacred sites, Luiseño village sites and archaeological items which would be displaced by development projects, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of development and improvements within the City.

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

The Tribe has specific knowledge of cultural resources, sacred places, traditional landscapes and Luiseño named places within the City. We have previously submitted cultural affiliation research however we welcome the opportunity to meet to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if requested.

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

The City of Menifee is within the traditional territory of the Pechanga Band of Luiseño Indians. The Tribe is not opposed to the development of the General Plan however we are opposed to any direct, indirect and cumulative impacts to tribal cultural resources that cannot be avoided through proper planning and policy through General Plan direction. Our concerns lie with the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on future implementing projects 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 Tribe reserves the right to fully participate in the environmental review process. We look forward to working proactively with the City to identify areas of concern that can be avoided and preserved ahead of time and to provide full and adequate information regarding cultural resources in other parts of the City to ensure that the potential impacts to cultural resources are assessed not only to the standards required by CEQA, but in a manner that acknowledges and respects traditional tribal world views and concerns. Please note that the

Pechanga Comment Letter to the City of Menifee
Re: Pechanga Tribe Comments on the City General Plan
July 31, 2012
Page 4

comments contained within this letter are our initial concerns and do not contain any requested mitigation and avoidance measures that may apply to the General Plan. The Tribe requests that the City meet with the Tribe to discuss its concerns and suggested appropriate mitigation to include in the EIR for the General Plan. The Tribe would expect that such meeting(s) would be conducted prior to completion of the Draft EIR. Further, once we have additional information, we request to work together with the City on preparing applicable policies, guidelines and ordinances.

The Pechanga Tribe looks forward to working together with the City of Menifee in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we might address the issues concerning the mitigation language. Thank you.

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Brenda Tomaras, Tomaras & Ogas, LLP

**AIRPORT LAND USE COMMISSION
RIVERSIDE COUNTY**

City of Menifee

AUG 08 2012

Received



August 6, 2012

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Rancho Mirage

Carmen Cave, Ph.D., Community Development Director
City of Menifee Community Development Department

VICE CHAIRMAN
Rod Ballance
Riverside

29714 Haun Road
Menifee CA 92586

COMMISSIONERS

RE: Initial Study and Notice of Preparation of a Draft Environmental Impact Report (EIR):
City of Menifee General Plan

Arthur Butler
Riverside

Dear Dr. Cave:

John Lyon
Riverside

Thank you for providing the Riverside County Airport Land Use Commission (ALUC) with an opportunity to provide initial comments in response to the Initial Study and Notice of Preparation of a Draft Environmental Impact Report for the City of Menifee General Plan.

Glen Holmes
Hemet

Greg Pettis
Cathedral City

Portions of the City of Menifee are located within the Airport Influence Areas of Perris Valley Airport and March Air Reserve Base. Pursuant to Section 21676(b) of the California Public Utilities Code, the adoption of a General Plan and all general plan amendments affecting land use designations within airport influence areas are subject to Airport Land Use Commission review, involving a formal submittal process by the project applicant – in this case, the City of Menifee. The application form is available at www.rcaluc.org (click Forms).

Richard Stewart
Moreno Valley

STAFF

Director
Ed Cooper

As an objective, the City is encouraged to endeavor to establish a General Plan that is consistent with the Perris Valley Airport Land Use Compatibility Plan as adopted by ALUC and the provisions of the March Air Reserve Base Joint Land Use Study. There should be no direct conflicts between General Plan Land Use Map designations and Perris Valley ALUCP compatibility criteria. (A cursory review of the Land Use Map included in the Initial Study indicates that there probably are not any land use designation conflicts.) The General Plan should be prepared using the California Airport Land Use Planning Handbook published by the California Department of Transportation Division of Aeronautics. We recommend that the chapter addressing "Responsibilities of Local Agencies" be reviewed.

John Guerin
Russell Brady
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

The sections of the Initial Study discussing airports include two errors that should be corrected in formulating the Environmental Impact Report. It is stated that passenger service is available at Riverside Municipal Airport, but, in fact, there are no air carriers providing scheduled passenger service at this airport. The other error is a reference to March Air Reserve Base as one of the "smaller" airports in the area. March Air Reserve Base may have a lower number of operations than some of the other airports mentioned, but its runway is the longest in the County, and it serves large aircraft as part of its military functions.

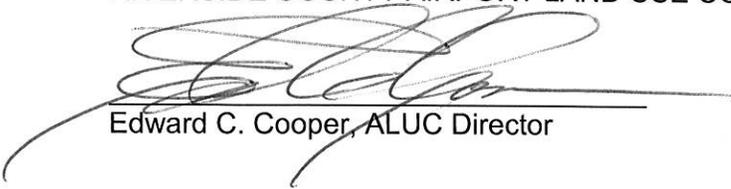
The protection of airports from incompatible land use encroachments is vital to California's economic future. Maintenance of the military function at March Air Reserve Base is essential to the economy of western Riverside County, and Perris Valley Airport offers skydiving recreation to tourists from all over the world. ALUCs were created by the State of California to work with local jurisdictions in a joint effort to provide for compatible land uses in the vicinity of public use airports. ALUC staff is available to assist the City in this effort in order to provide for a General Plan that is consistent with adopted and forthcoming Compatibility Plans, and looks forward to meeting with you and your staff to discuss the General Plan and the ALUC review process.

AIRPORT LAND USE COMMISSION

August 6, 2012

Thank you for the opportunity to provide comments. We look forward to receiving the application for review. If you have any questions, please contact me at (951) 955-5132.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

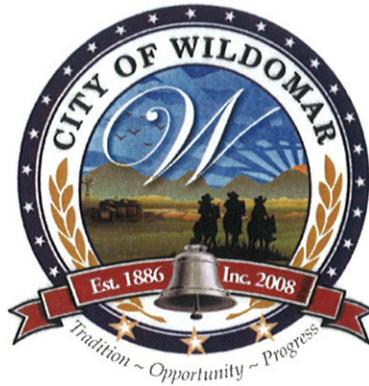


Edward C. Cooper, ALUC Director

cc: Gary Gosliga, March Joint Powers Authority
Donald Chase, March Air Reserve Base
Pat Conatser, Perris Valley Airport
Philip Crimmins, CALTRANS Division of Aeronautics
ALUC Staff

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Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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Wildomar, CA 92595
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951.698.1463 Fax
www.CityofWildomar.org

August 7, 2012

Ms. Carmen Cave, Community Development Director
City of Menifee
29714 Haun Road
Menifee, CA 92586

Subject: NOP FOR City of Menifee General Plan EIR

Dear Ms. Cave,

On behalf of the City of Wildomar, I congratulate you in moving forward with the City's first General Plan and Environmental Impact Report (EIR). In response to the Notice of Preparation, the City of Wildomar looks forward in participating in the review of the DEIR when it becomes available for public review.

While staff was not able to attend the August 2, 2012 EIR Scoping meeting, the following issues are of importance to the City of Wildomar and we request that these issues be evaluated to every extent possible in the DEIR for the General Plan.

- Land Use and Planning – As a portion of Wildomar's easterly corporate boundary is directly adjacent to Menifee, we ask that land use compatibility be evaluated. Specifically, how the proposed land uses identified in Menifee's General Plan, adjacent to Sunset Avenue and Keller Road, will not negatively impact our existing and future land uses along this boundary. Additional comments will be provided to you once we have reviewed the DEIR.
- Transportation/Traffic - As a portion of Wildomar's easterly corporate boundary is directly adjacent to Menifee, we ask that traffic issues be evaluated along Bundy Canyon Road and how the City of Menifee intends to address the transition and widening of Bundy Canyon Road from the I-215 freeway into the City of Wildomar. In addition, how will Menifee mitigate the traffic and noise impacts to the City of Wildomar, especially along the northern and southern residential neighborhoods on Bundy Canyon Road. We ask that the DEIR and traffic study evaluate and mitigate these potential impacts to our residents. Please address the street cross sections for Sunset Avenue and Keller Road

and evaluate how the proposed street design will be compatible with Wildomar's street designations. Additional comments will be provided to you once we have reviewed the DEIR.

Once we receive the DEIR, city staff will take a more in-depth review of the document and provide detailed responses. We respectfully ask that you add us to the mailing list of responsible agencies and forward all correspondence/matters related to the General Plan and EIR directly to me as the City's main contact person. If you have any questions for me at this time, I can be reached at 951-677-7751 (Extension 213) or via email at mbassi@cityofwildomar.org.

Sincerely,



Matthew C. Bassi
Planning Director

CC: Frank Oviedo, City Manager

FW City of Menifee General Plan.txt

From: Shaw, Bruce [bshaw@menifeeUSD.org]
Sent: Wednesday, August 08, 2012 2:53 PM
To: Carmen Cave
Subject: City of Menifee General Plan

In response to the City's "Initial Study for: The City of Menifee General Plan"

Menifee Union School District respectfully offers the following comments:

Notes:

Figure 3: Proposed land use does not specifically identify Public/Quasi Public Facilities (PF) that currently exist. If located within a specific plan the specific plan takes precedence even though the PF identifier is the City's choice. What difference does a specific plan make if the public facility currently exists?

Page 27, XIV c). While the language "Potentially Significant Impact" is probably in code, the City's plan to accommodate a build out of 158,948 people (page 15) will definitely have a significant impact on the delivery of Pre K-8 services to residents, not only from the facilities standpoint but also in the form of increased property taxes through in issued debt to build those educational facilities.

Page 27, XVI Transportation/Traffic: The City already faces significant road infrastructure challenges. Their General Plan proposes to significantly increase traffic in and around the I-215 corridor yet there is no plan to add one or more onramps/exits between Newport and Scott. The interchange at Scott is wholly inadequate for the current traffic let alone the 174 acres (page 15) identified in this plan west of 215 and south of Scott. It appears that Menifee is merely copying the Temecula plan to overbuild with insufficient road and freeway interchange to support the residential and commercial development that the city is trying to encourage.

Environmental Analysis 3.16 e) (page 47) "approved fire apparatus access roads"...and "Such roads must be at least 20 feet wide, have 13.5 feet of vertical clearance and must provide all-weather driving capabilities for fire apparatus." Current City leadership has repeatedly demonstrated no desire to uphold this provision of Title 24 CCR 9. There are a significant number of roads within the city limits west I-215 that do not meet this requirement and efforts to improve at least one of these roads to the above standard has been repeatedly blocked by the City.

Environmental Analysis 3.16 f) (page 48) "General Plans of California cities...are required under the Complete Streets Act to include planning for complete streets. That is, streets that must meet the needs

FW City of Menifee General Plan.txt

of all users of the roadway, to include “pedestrians, bicyclists, ...children, ...”. The recent construction of

Murrieta road south of Newport does not meet the needs of pedestrians, children, elderly and the disabled. Goetz Road, as the major thoroughfare for Quail Valley does not meet the stated requirement or meet the needs of pedestrians, elderly, and disabled.

AUG 13 2012

Received

August 10, 2012

VIA FACSIMILE [951-679-3843]
AND U.S. FIRST CLASS MAIL

Carman Cave, Ph.D.
City of Menifee
29714 Haun Road
Menifee, CA 92586

Re: Notice of Preparation of a Draft Environmental Impact Report for the City of
Menifee General Plan

Dear Dr. Cave:

Please accept this correspondence as a public comment in response to the above referenced Notice of Preparation. Figure 3 in the Initial Study purports to show all of the proposed land uses, including existing Specific Plans. Figure 3, however, does not show the Menifee Shopping Center Specific Plan, adopted by the voters of the City of Menifee via initiative on June 7, 2011. The Menifee Shopping Center Specific Plan governs the approximately 30 acres of vacant land north of Scott Road, in between the I-215 Freeway and Haun Road, to the north. Please revise Figure 3 accordingly.

Furthermore, I request, pursuant to *Public Resources Code* Sections 21092(b)(3) and 21092.2 to be notified via first class mail of any notices, availability of documents, hearings, actions or public review periods for CEQA documents or decisions related to the City of Menifee General Plan and related Environmental Impact Report.

Thank you.

Very truly yours,



Matthew Wm. Nelson, of
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

MWN:ld

Since 1910

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GreshamSavage.com

W875-Menifee CA -- 947146.1



August 14, 2012

City of Menifee

AUG 16 2012

Received

City of Menifee
Ms. Carmen Cave, PhD, Community Development Director
29714 Haun Road
Menifee, CA 92586

RE: Notice of Preparation for City of Menifee General Plan

Dear Ms. Cave:

Thank you for providing the City of Lake Elsinore an opportunity to review and comment upon the Notice of Preparation for the City of Menifee General Plan.

A number of roadways within the City of Lake Elsinore have the potential to become major routes for a portion of Menifee's residents to access Interstate 15. Therefore, the Traffic Impact Analysis needs to include an analysis of potential traffic impacts upon road segments within the City of Lake Elsinore and at signalized intersection along those road segments including but not limited to the following road segments:

- Canyon Hills Road from the City boundary to Railroad Canyon Road
- Railroad Canyon Road from the City of Lake Elsinore boundary to Canyon Hills Road
- Railroad Canyon Road from Canyon Hills Road to the southbound on-ramp to the I-15 Freeway, inclusive.

The City of Menifee should also make sure that its Circulation Element roadway cross-section for Holland Ave. is consistent with the City of Lake Elsinore's ultimate road width for Canyon Hills Road at their point of connection.

Thank you again for providing the City of Lake Elsinore with the opportunity to comment on the Notice of Preparation for this project. Please forward a copy of the Draft Environmental Impact Report to my attention at the City of Lake Elsinore upon its completion.

If you have any questions or require information for inclusion in the Draft EIR, please feel free to contact me at (951) 674-3124, ext. 209 or e-mail me at rmachott@Lake-Elsinore.org.

Sincerely,

Richard J. MacHott, LEED Green Associate
City of Lake Elsinore, Environmental Planning Consultant

951.674.3124

130 S. MAIN STREET

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