

Appendix A: NOP and NOP Comments



**Notice of Preparation and Scoping Meeting
San Jacinto General Plan Update Environmental Impact Report**

Date: December 17, 2020

To: State Clearinghouse, Agencies, Organizations and Interested Parties

Subject: Notice of Preparation and Scoping Meeting for the San Jacinto General Plan Update Environmental Impact Report

Scoping Meeting: Wednesday January 6, 2021, 6:00 p.m. to 7:00 p.m.

The meeting will be conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

To join **telephonically** call: (951) 465-7684 ID:436 382 014#
To join by **computer** use this link: <https://tinyurl.com/y8ze5zfa>

Comment Period: Thursday December 17, 2020 to Tuesday January 19, 2021

NOTICE IS HEREBY GIVEN that the City of San Jacinto (City) will prepare an Environmental Impact Report (EIR) for the City of San Jacinto General Plan Update (Plan or Proposed Project). The City is the lead agency for the project. The purpose of this notice is to: (1) serve as a Notice of Preparation (NOP) of an EIR pursuant to the State California Environmental Quality Act (CEQA) Guidelines § 15082; (2) advise and solicit comments and suggestions regarding the scope and content of the EIR to be prepared for the proposed project; and (3) notice the public scoping meeting.

The City determined that the proposed project would require preparation of a full-scope EIR; thus, an Initial Study was not prepared in conjunction with this NOP. Consistent with § 15082(b) of the CEQA Guidelines, the City will prepare an EIR to address the environmental impacts associated with the project at a programmatic level. The proposed project is a long-term plan consisting of policies that will guide future development activities and City actions. No specific development projects are proposed as part of this General Plan Update. However, the program EIR can serve to streamline environmental review of future projects.

Information regarding the project description, project location, and topics to be addressed in the Draft EIR is provided below. Additional project documents and information are available at the City of San Jacinto, Community Development Department, located at 595 S. San Jacinto Ave, San Jacinto, CA 92583, and on-line at: <https://sanjacinto.generalplan.org/>. Consistent with State of California Executive Order N-

29-20 dated March 17, 2020, regarding the COVID-19 pandemic, City Hall is closed to the General Public; however, any person interested in reviewing the additional project documents and information in person may schedule an appointment with City Staff.

For questions regarding this notice, please contact Travis Randel - Community Development Director at (951) 487-7330, or by email: generalplan@sanjacintoca.gov.

Notice of Preparation Comment Period: The City, as Lead Agency, requests that responsible and trustee agencies, all interested parties, and the Office of Planning and Research, respond in a manner consistent with § 15082(b) of the CEQA Guidelines. Pursuant to Public Resources Code § 21080.4, responsible agencies, trustee agencies and the Office of Planning and Research must submit any comments in response to this notice no later than the comment period deadline identified below. In accordance with the time limits established by CEQA, the NOP public review period will begin on Thursday December 17, 2020 and end on Tuesday January 19, 2021.

In the event that the City does not receive a response from any Responsible or Trustee Agency, or by any interested parties, by the end of the review period, the City may presume that the Responsible Agency, Trustee Agency, or interested party has no response to make (State CEQA Guidelines Section 15082(b)(2)). Comments in response to this notice must be submitted to the address below, or by email by the close of the NOP review period, which is 5:00 PM on Tuesday January 19, 2021:

Travis Randel - Community Development Director
City of San Jacinto
595 S. San Jacinto Ave
San Jacinto, CA 92583
Email: generalplan@sanjacintoca.gov

Scoping Meeting

The City will hold a scoping meeting to provide an opportunity for agency representatives and the public to assist the City in determining the scope and content of the EIR. The scoping meeting will be held on **Wednesday January 6, 2021, at 6 p.m.** The meeting will be conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The scoping meeting will not discuss the merits of the project, but rather the environmental topics to be included in the environmental review.

The meeting may be joined **telephonically** by calling (951) 465-7684 ID:436 382 014#

To join by **computer** use this link: <https://tinyurl.com/y8ze5zfa>

Public Agency Approvals

The City Council is the final decision-making body for the General Plan Update. Before the City Council considers the proposed project, the Planning Commission will review it and make recommendations to the City Council. While other agencies may be consulted during the General Plan Update process, their approval is not required for adoption of the General Plan. However, subsequent development under the General Plan Update may require approval of state, federal and responsible trustee agencies that may rely on the programmatic EIR for decisions in their areas of expertise.

Project Location and Setting

As shown on Figure 1, the City of San Jacinto is located at the base of the San Jacinto mountains and adjacent to the San Jacinto River. Founded in 1870, and incorporated on April 9, 1888, San Jacinto is one of the County of Riverside's oldest communities with roots that stretch back to the earliest days of California. The City is approximately 26 square miles (16,700 acres) and is located north of the City of Hemet in Western Riverside County. The City sits approximately 27 miles west of the San Bernardino National Forest and approximately 21 miles east of the City of Perris. The 79 Expressway runs through the City and is the primary corridor for regional access to San Jacinto. The project's regional location is shown in Figure 1.

The Planning Area is the geographic area for which the Plan provides a framework for long-term growth and resource conservation. State law requires the Plan to include all territory within San Jacinto's incorporated area as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (California Government Code Section 65300). The Planning Area, as shown in Figure 2, includes the entire city limits (approximately 16,700 acres) as well as the City of San Jacinto's Sphere of Influence (approximately 6,100 acres); the entire Planning Area is approximately 22,800 acres.

Project Description

The City of San Jacinto is preparing a comprehensive update to its existing General Plan. The updated San Jacinto General Plan is expected to be adopted in 2021 and will guide the City's development and conservation through land use objectives and policy guidance. The Plan is intended to be an expression of the community's vision for the City and Planning Area and constitutes the policy and regulatory framework by which future development projects will be reviewed and public improvements will be implemented. The City will implement the Plan by requiring development, infrastructure improvements, and other projects to be consistent with its policies and by implementing the actions included in the Plan.

State law requires the City to adopt a comprehensive, long-term general plan for the physical development of its planning area. The Plan must include land use, circulation, housing, conservation, open space, noise, safety, and environmental justice elements, as specified in Government Code Section 65302, to the extent that the issues identified by State law exist in the City's planning area.

The San Jacinto General Plan will include a comprehensive set of goals, policies, and actions (implementation measures), as well as a revised Land Use Map (Figure 3).

A goal in the Plan is the broadest statement of community values. It is a generalized ideal which provides a sense of direction for action. They are overall statements of desired future conditions. The essence of the Plan is contained within its policies. Policies are statements which further refine the goals, and guide the course of action the City must take to achieve the goals in the Plan. It is important to note that policies are guides for decision makers, not decisions themselves. Action items are steps or actions the City should take to implement the Plan.

Additional elements that relate to the physical development of the city may also be addressed in the Plan. The degree of specificity and level of detail of the discussion of each Plan Element need only reflect local conditions and circumstances. The San Jacinto General Plan will include all of the State-mandated elements, and will address two optional topics: Economic Development and Fiscal Sustainability and Community Facilities. The City is also preparing a Focused Zoning Ordinance Update to implement the General Plan and create consistency between the land use map and the Zoning Ordinance. The Focused Zoning Ordinance Update will also be analyzed under the General Plan EIR.

The Plan is being prepared to address the requirements of State law and the relevant items addressed in Government Code Section 65300 et seq. The San Jacinto General Plan is intended to reflect the desires and vision of San Jacinto residents, businesses, the Planning Commission, and City Council.

The following objectives were identified for the proposed update to the General Plan:

1. Reflect the current goals and vision expressed by city residents, businesses, decision-makers, and other stakeholders;
2. Protect and enhance San Jacinto's unique history, small-town character, and sense of community;
3. Promote San Jacinto as a safe, vibrant, and family-friendly community;
4. Proactively plan for and accommodate local and regional growth in a responsible manner;
5. Encourage mixed use development patterns that promote vibrant commercial and residential areas;
6. Allow for a range of high-quality housing options;
7. Attract and retain businesses and industries that provide jobs for local residents;
8. Create a more balanced jobs-housing ratio within the community;
9. Continue to maintain and improve multimodal transportation opportunities;
10. Maintain strong fiscal sustainability and continue to provide efficient and adequate public services;
11. Address new requirements of State law; and
12. Address emerging transportation, housing, and employment trends.

Growth Projections

While no specific development projects are proposed as part of the San Jacinto General Plan Update, the General Plan will accommodate future growth in San Jacinto, including new businesses, expansion of existing businesses, and new residential uses. The buildout analysis assumes a 20-year planning horizon (the level of development that could reasonably be expected by the year 2040), while the year 2060 is assumed to be the full buildout year of the General Plan (the point at which all parcels in the City are developed according to their General Plan land use designation). The 20-year planning horizon (2040) represents approximately 50% of total buildout; this expected pace of growth is based on historical development patterns in and around San Jacinto and development trends projected for Western Riverside County.

Table 1 provides a statistical summary of the buildout potential associated with the Proposed Land Use Map compared to existing on-the-ground conditions and the currently adopted General Plan.

Table 1 Planning Horizon Year (2040) Statistical Summary

	Housing Units	Population	Nonresidential Square Footage	Jobs	Jobs per Housing Unit
City Limits Only					
Existing Conditions (12/1/2020)	15,322	51,174	2,357,363	6,147	0.40
Current General Plan (Development Potential by 2040)	21,095	70,457	17,771,319	18,641	0.88
Proposed Land Use Map (Development Potential by 2040)	30,604	102,217	24,018,044	24,671	0.80
New Development Potential Over Existing Conditions by 2040	15,282	51,043	21,660,681	19,524	-
New Development Potential Over Current General Plan Development Potential by 2040	9,509	31,760	6,246,724	7,031	-
Sphere of Influence Area Only					
Existing Conditions (12/1/2020)	508	1,698	217,995	1,165	2.29
Current General Plan (Development Potential by 2040)	1,197	3,998	200,627	1,782	1.49
Proposed Land Use Map (Development Potential by 2040)	1,478	4,935	395,183	1,317	0.89
New Development Potential Over Existing Conditions by 2040	969	3,237	177,189	152	-
New Development Potential Over Current General Plan Development Potential by 2040	281	937	194,556	(465)	-
Planning Area (City Limits and Sphere of Influence)					
Existing Conditions (12/1/2020)	15,830	52,872	25,753,58	7,312	0.46
Current General Plan (Development Potential by 2040)	22,292	74,455	17,971,946	20,422	0.92
Proposed Land Use Map (Development Potential by 2040)	32,081	108,152	24,413,227	26,989	0.84
New Development Potential Over Existing Conditions by 2040	16,252	54,280	21,837,869	19,676	-
New Development Potential Over Current General Plan Development Potential by 2040	9,789	32,697	6,441,281	6,566	-

Note: The statistical summary is based a 20-year planning horizon (the level of development that could reasonability be expected by the year 2040).

Environmental Factors Potentially Affected

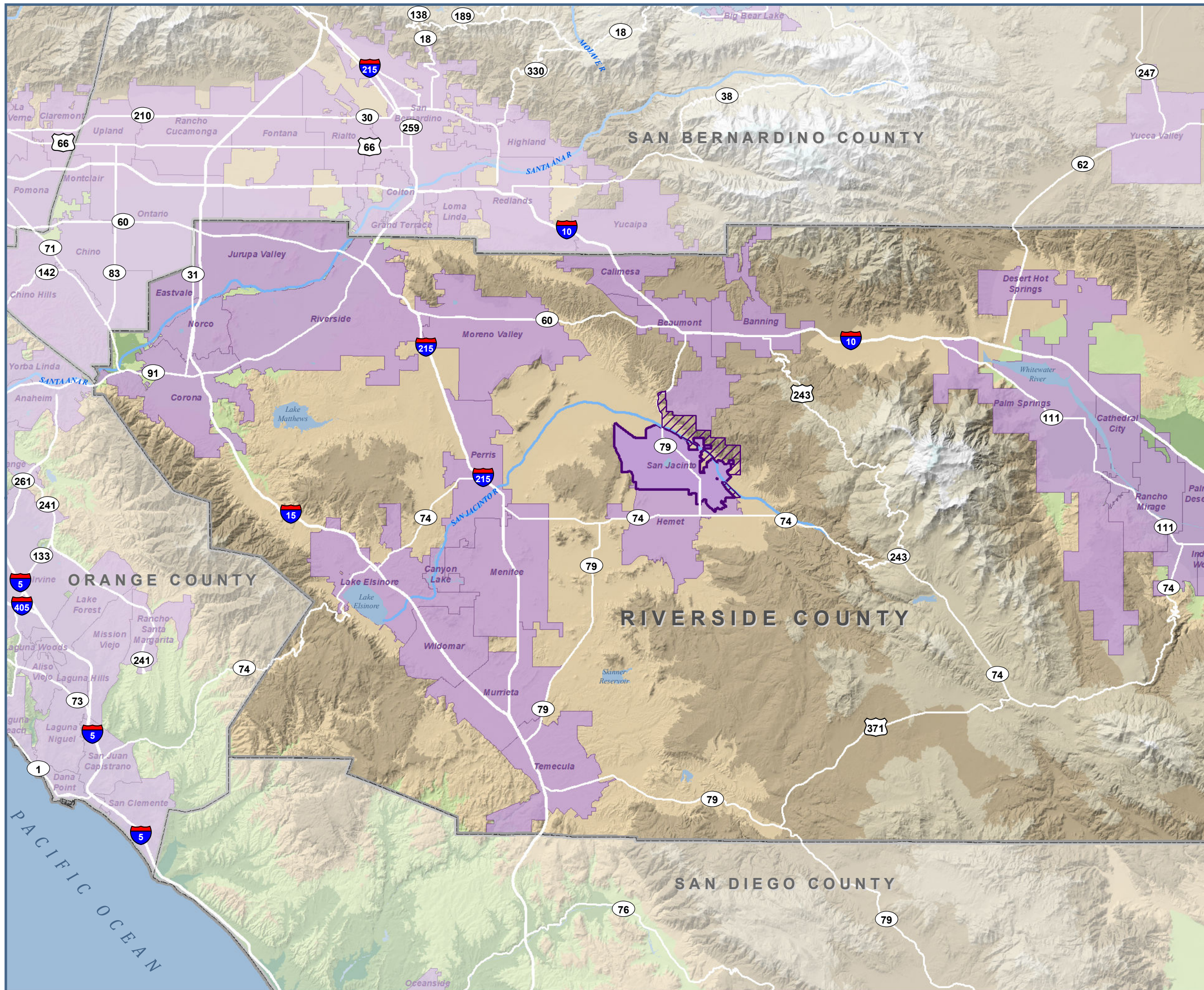
The proposed project could potentially affect the following environmental factors, and each will be addressed in the EIR:

- Aesthetics
- Air Quality
- Agriculture and Forestry Resources
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gases Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Parks and Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfires
- Mandatory Findings of Significance

Attachments

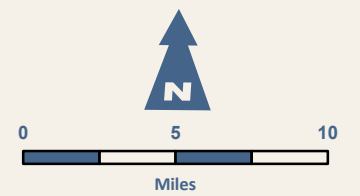
- Figure 1: Regional Location Map
- Figure 2: Planning Area
- Figure 3: Proposed General Plan Land Use Map

CITY OF SAN JACINTO
GENERAL PLAN UPDATE
NOP Figure 1
Regional Location Map



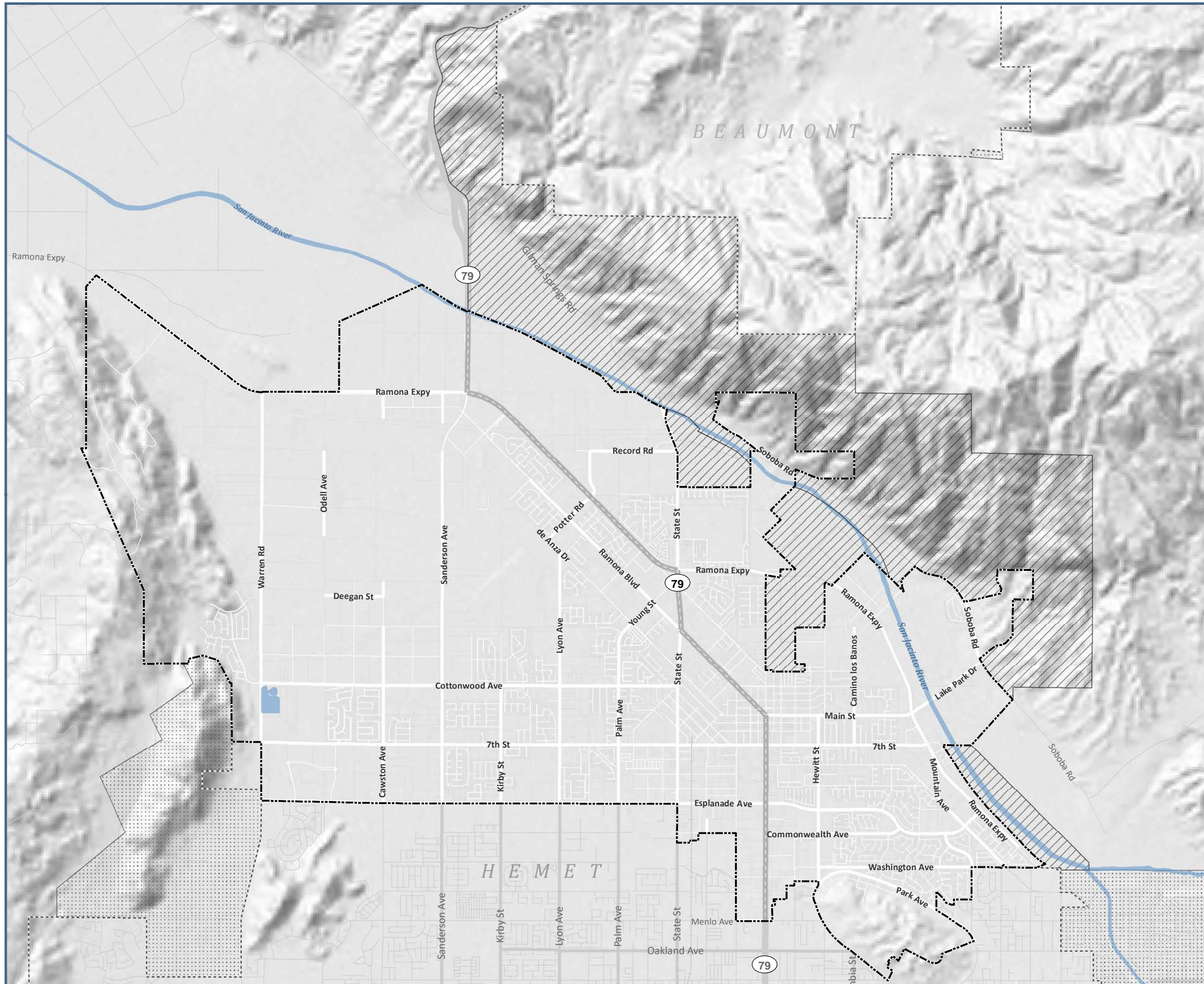
Legend

- City of San Jacinto
- San Jacinto Sphere of Influence
- Other Incorporated Area
- County Boundary



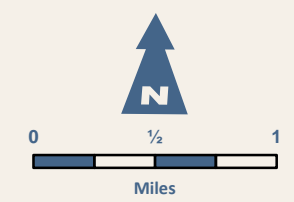
Sources: California State Geoportal. Map date: December 4, 2020.





Legend

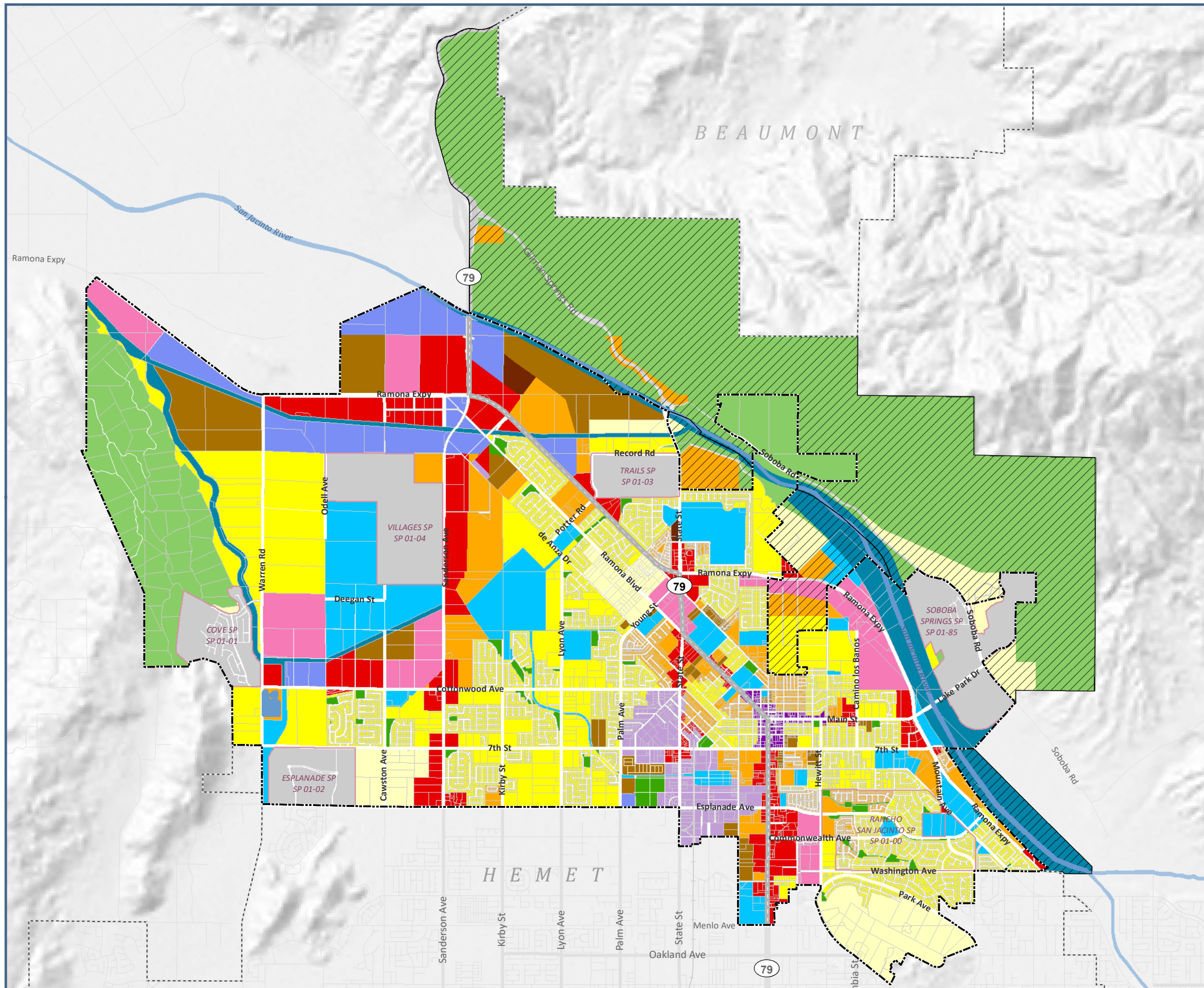
- City of San Jacinto
- San Jacinto Sphere of Influence
- Neighboring City
- Neighboring Sphere of Influence



Sources: City of San Jacinto; Riverside County. Map date: March 11, 2019.



NOP Figure 3
Proposed General Plan
Land Use Map

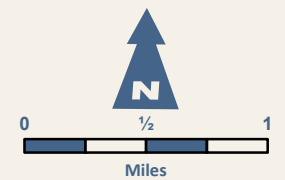


Legend

- City of San Jacinto
- San Jacinto Sphere of Influence
- Neighboring City

Land Use Designation

- VLDR: Very Low Density Residential
- LDR: Low Density Residential
- MDR: Medium Density Residential
- HDR: High Density Residential
- VHDR: Very High Density Residential
- MU: Mixed Use
- C: Commercial
- DV: Downtown Village
- BP: Business Park
- I: Industrial
- PI: Public/Institutional
- OS: Open Space
- P: Park
- SPA: Specific Plan Area
- Water



Sources: City of San Jacinto; Riverside County. Map date: December 3, 2020





From: Dawson, Timothy@DOC <Timothy.Dawson@conservation.ca.gov>
Sent: Wednesday, January 13, 2021 1:32 PM
To: General Plan <GeneralPlan@sanjacintoca.gov>
Subject: Correction: Re: Comments - NOP for San Jacinto General Plan Update

[**NOTICE:** This message originated outside of City of San Jacinto -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Mr. Randel,

My apologies, although the subject line in my previous email said "Milpitas", the email and comments were meant for the City of San Jacinto, and is noted in the corrected email subject line. My apologies for the confusion.

Tim Dawson

From: Dawson, Timothy@DOC
Sent: Wednesday, January 13, 2021 11:29 AM
To: generalplan@sanjacintoca.gov
Subject: Comments - NOP for Milpitas General Plan Update

Dear Mr. Randel,

The California Geological Survey (CGS) has received the Notice of Preparation of an Environmental Impact Report (EIR) for the City of San Jacinto General Plan Update. This letter conveys suggestions and recommendations from the California Geological Survey concerning geologic and soils issues related to the planning area.

The California Geological Survey recommends the General Plan update address the following items and issues within the planning area:

1) Geologic Hazards

Numerous potential geologic hazards exist within the City of San Jacinto planning area. Each of the hazards listed below should be addressed in the General Plan update.

a. Liquefaction and Landslide Hazards

CGS has not yet completed seismic hazard zone mapping for areas within the City of San Jacinto. The County of Riverside has identified areas of potential liquefaction which can be accessed via the Riverside County Mapping Portal here: <https://gisopendata-countyofriverside.opendata.arcgis.com/>

b. *Faulting Hazards* – CGS has established Earthquake Fault Zones within and nearby the City of San Jacinto planning area. Specifically, Holocene-active strands of the San Jacinto fault zone traverse the planning area. Digital versions of these maps (PDF and Shapefiles) and associated reports can be downloaded from the CGS Information Warehouse, here:

<https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/>

c. *Ground Shaking Hazards* – The City of San Jacinto planning area is located near many active faults capable of producing severe ground shaking during an earthquake. The EIR should include a discussion of nearby active faults and the relative likelihood of the planning area to experience strong ground shaking. The earthquake shaking potential for various regions in California can be viewed at the following website: <https://www.conservation.ca.gov/cgs/psha>.

2) Regional and Site-Specific Geology

The EIR update should include a brief discussion of the geologic history of the area and a description of the rock types in the planning area.

3) Soils

The EIR update should consider including a summary on the types of soils present in the planning area and a discussion of the soil characteristics pertinent to development, such as source material, geographic setting, drainage characteristic, permeability, and the risk of erosion and soil expansion. The Natural Resources Conservation Service has an interactive soil map available at the following website:

<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Please let me know if you have any questions or concerns with the comments in this letter.

Sincerely,

Tim Dawson



Timothy Dawson

Senior Engineering Geologist

Seismic Hazards Assessment and Zonation

California Geological Survey

California Department of Conservation

1/19/2021

De Novo Planning Group Mail - FW: Correction: Re: Comments - NOP for San Jacinto General Plan Update

[1900 S. Norfolk St., Suite 300, San Mateo, CA 94403](#)

(650) 350-7307

timothy.dawson@conservation.ca.gov



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 15, 2021
Sent via email

Travis Randel
City of San Jacinto
595 S. San Jacinto Avenue
San Jacinto, CA 92583
generalplan@sanjacintoca.gov

Subject: Notice of Preparation of a Draft Environmental Impact Report
City of San Jacinto General Plan Update
State Clearinghouse No. 2020120312

Dear Mr. Randel:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of San Jacinto (City) for the City's General Plan Update (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The City of San Jacinto (City) is located in Riverside County, at the base of the San Jacinto Mountains and adjacent to the San Jacinto River. The City is approximately 26 square miles (16,700 acres) and sits approximately 27 miles west of the San Bernardino National Forest. The Planning Area is the geographic area for which the General Plan (Plan) provides a framework for long-term growth and resource conservation. The entire Planning Area is approximately 22,800 acres, and includes the entire city limits (16,700 acres) as well as the City's Sphere of Influence (approximately 6,100 acres).

The City is preparing a comprehensive update to its existing General Plan, which will guide the City's development and conservation through land use objectives and policy guidance, and constitutes the policy and regulatory framework by which future development projects will be reviewed and public improvements will be implemented. The City will implement the Plan by requiring development, infrastructure improvements, and other projects to be consistent with its policies and by implementing the actions included in the Plan. The Plan will include a comprehensive set of goals, policies, and actions, as well as a revised Land Use Map.

The City is also preparing a Focused Zoning Ordinance Update to implement the General Plan and create consistency between the land use map and the Zoning Ordinance. The Focused Zoning Ordinance Update will also be analyzed under the General Plan EIR.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to the Plan's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

CDFW recognizes that the General Plan EIR need not be as detailed as CEQA documents prepared for specific projects that may follow (CEQA Guidelines § 15146). CDFW also recognizes that the level of detail should be reflective of the level contained in the plan or plan element being considered (*Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351). However, please note that the City cannot defer the analysis of significant effects of the general plan to later-tiered CEQA documents (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182).

CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Plan, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Planning Area, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009²). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

² Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. <http://vegetation.cnps.org/>

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.
4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018³).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Plan.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project (including the plan's land use designations, policies and programs). To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

³ California Department of Fish and Wildlife (CDFW). 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plan Populations and Sensitive Natural Communities*. State of California, Natural Resources Agency. Available for download at: <https://wildlife.ca.gov/Conservation/Plants>

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

With respect to defensible space: please ensure that the DEIR fully describes and identifies the location, acreage, and composition of defensible space *within* the proposed Project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with the Riverside County Fire Department regulations/requirements. The City, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservations lands.

2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

Please note that the Project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. CDFW encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The DEIR should analyze the cumulative effects of the plan's land use designations, policies and programs on the environment. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]). The no Project alternative should evaluate how the changing environment, such as climate change and drought, may affect the community if a new or revised general plan were not adopted.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The City should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process.
4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR

should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
 - (a) the location of restoration sites and assessment of appropriate reference sites;
 - (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates;
 - (c) a schematic depicting the mitigation area;
 - (d) a local seed and cuttings and planting schedule;
 - (e) a description of the irrigation methodology;
 - (f) measures to control exotic vegetation on site;
 - (g) specific success criteria;
 - (h) a detailed monitoring program;
 - (i) contingency measures should the success criteria not be met; and
 - (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring

of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

CDFW recommends that the DEIR include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the City condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.

8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code, § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the project, unless this Project is proposed to be a covered activity under the MSHCP. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Western Riverside County Multiple Species Habitat Conservation Plan

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <http://rctlma.org/epd/WR-MSHCP>.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The City is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency

with the MSHCP CDFW recommends that the DEIR address, at a minimum, the City's obligations as follows:

- a. Addressing the collection of fees as set forth in Section 8.5 of the MSHCP.
- b. Demonstrating how the Project complies with the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in Section 6.1.2 of the MSHCP; the policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP; surveys as set forth in Section 6.3.2 of the MSHCP; compliance with the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; and compliance with the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

Because the Project is located within the MSHCP Criteria Area, pursuant to the Implementing Agreement, public and private projects are expected to be designed and implemented in accordance with the Criteria for each Area Plan and all other MSHCP requirements as set forth in the MSHCP and in Section 13.0 of the Implementing Agreement. Section 13.2 of the Implementing Agreement identifies that City obligations under the MSHCP and the Implementing Agreement include, but are not limited to: the adoption and maintenance of ordinances or resolutions, as necessary, and the amendment of general plans as appropriate, to implement the requirements and to fulfill the purposes of the Permits, the MSHCP, and the Implementing Agreement for private and public development projects (including siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP); and taking all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of the project approvals for public and private projects, including compliance with the MSHCP, the Permits, and the Implementing Agreement. The City is also obligated to notify the Western Riverside County Regional Conservation Authority (RCA), through the Joint Project/Acquisition Review Process set forth in Section 6.6.2 of the MSHCP, or proposed discretionary Projects within the Criteria Area and participate in any further requirements imposed by MSHCP Section 6.6.2.

To examine how the Project might contribute to, or conflict with, assembly of the MSHCP Conservation Area consistent with the reserve configuration requirements CDFW recommends that the DEIR identify the specific Area Plan and Area Plan Subunit within which the Project is located, and the associated Planning Species and Biological Issues and Considerations that may apply to the Project. The DEIR should also discuss the specific Criteria for Cells or Cell Groups within which the Project is located and identify the associated Core(s) and/or Linkage(s). Next, the DEIR should identify the vegetation communities toward which conservation should be directed along with the connectivity requirements. Finally, the DEIR should examine the Project with respect to the percentage conservation portion within the Cells or Cell Groups. Following this sequential identification of the relationship of the Project to the MSHCP

the DEIR should then include an in-depth discussion of the Project in the context of these aforementioned elements, and as mentioned, examine how the Project might contribute to, or conflict with, the conservation criteria of the MSHCP.

CDFW also recommends that the City demonstrate how the Project is consistent with Section 7.0 of the MSHCP. For projects proposed within Public/Quasi-Public Lands, the DEIR should include a discussion of the Project and its consistency with MSHCP Section 7.2, and for projects proposed inside the MSHCP Criteria Area, the DEIR should include a discussion of the Project and its consistency with Section 7.3 of the MSHCP. Where maintenance of existing roads within the Criteria Area is proposed, CDFW recommends that the City reference MSHCP Section 7.3.4 and Table 7-3, which provides a summary of the existing roads permitted to remain in the MSHCP Criteria Area. Planned roads within the MSHCP Criteria Area are discussed in MSHCP Section 7.3.5 and identified on Figure 7-1. Please note that roadways other than those identified in Section 7.3.5 of the MSHCP are not covered without an amendment to the MSHCP in accordance with the procedures described in MSHCP Section 6.10. CDFW recommends that the City/County review MSHCP Section 7.3.5 and include in the DEIR information that demonstrates that Project-related roads are MSHCP covered activities. The DEIR should also discuss design and siting information for all proposed roads to ensure that the roads are sited, designed, and constructed in a manner consistent with MSHCP conservation objectives.

CDFW recommends that the DEIR also include a discussion of the Project and MSHCP Section 7.4, which identifies and discusses allowable uses in the MSHCP Conservation Area. For example, if trails are proposed as part of the Project, the DEIR should discuss whether the trail is identified on Figure 7-4, and provide details regarding trail construction (siting and design), and operations and maintenance that demonstrate that the proposed trail is consistent with MSHCP Section 7.4.

Annexation and deannexation of lands within the MSHCP is discussed in Section 11.5 of the Implementing Agreement. Section 11.5 states that each MSHCP Permittee shall enforce the terms of the MSHCP, the Permits, and the Implementing Agreement, to all individuals or entities subject to the Permittee's jurisdiction, including lands in the MSHCP annexed into the Permittees' jurisdiction, provided that the Minor Amendment requirements of Section 20.4.1(E) of the Implementing Agreement and Section 6.10.2 of the MSHCP have been met. Section 20.4.1(E) of the Implementing Agreement provides that for an annexation/deannexation to be considered as a Minor Amendment, it cannot preclude MSHCP Reserve Assembly, significantly increase the cost of the MSHCP Conservation Area management or assembly or preclude achieve Covered Species conservation goals. If these Minor Amendment requirements cannot be met, a Major Amendment will be required. CDFW recommends that the DEIR specifically address whether lands annexed/deannexed as part of the Project will the requirements of a Minor Amendment, as provided in MSHCP Section 6.10.2 and Section 20.4 of the Implementing Agreement.

Regardless of whether take of threatened and/or endangered species is obtained through the MSHCP or through a CESA ITP, the DEIR needs to address how the proposed Project will affect the policies and procedures of the MSHCP.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <http://saveourwater.com/what-you-can-do/tips/landscaping/>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the City of San Jacinto General Plan Update (SCH No. 2020120312) and recommends that the City of San Jacinto address CDFW's comments and concerns in the forthcoming DEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Rose Banks, Environmental Scientist, at Rose.Banks@wildlife.ca.gov.

Sincerely,

DocuSigned by:

8091B1A9242F49C...

Scott Wilson
Environmental Program Manager

ec: Heather Pert, Senior Environmental Scientist, Supervisor
Inland Deserts Region
heather.pert@wildlife.ca.gov

Travis Randel
City of San Jacinto
January 15, 2021
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HCPB CEQA Coordinator
Habitat Conservation Planning Branch
ceqacommentletters@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov



January 11, 2020

Attn: Travis Randel – Community Development Director
City of San Jacinto
595 S. San Jacinto Ave
San Jacinto, CA 92583

Subject: San Jacinto General Plan Update Environmental Impact Report – Notice of Preparation and Scoping Meeting

Attn: Travis Randel – Community Development Director

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the Notice of Preparation and Scoping for the Environmental Impact Report concerning the San Jacinto General Plan 2040. The notice proposes to update, and provide an EIR for, a comprehensive General Plan expected to be adopted in 2021, that considers: land use, circulation, housing, conservation, open space, noise, safety, and environmental justice elements. The notice also seeks comments regarding the scope of the EIR to be drafted. This 22,800-acre project encompasses the entire San Jacinto City area as well as its Sphere of Influence. It is located north of the City of Hemet in Western Riverside County.

EMWD offers the following comments: EMWD would like to point out that completed Water and Wastewater Master Plans have identified backbone facilities based on current land use. The proposed (program or full) EIR shall evaluate the Project's water demands and sewer discharge and determine if the remaining available capacity in the existing EMWD facilities can adequately serve this Project. If the existing EMWD facilities do not have enough capacity, then the (program or full) EIR shall identify the additional improvements and facilities necessary to provide adequate service to the project area. To help in this effort, EMWD can assist the Project proponent in formulating EMWD's Development Design Conditions (DDC), formerly known as the Plan of Service (POS), to detail all pertinent water and sewer facilities.

Board of Directors

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

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

T 951.928.3777 • F 951.928.6177 www.emwd.org

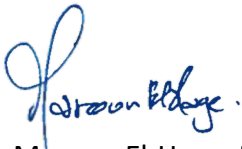
Attn:

January 11, 2021

Page 2

If you have any questions or concerns please do not hesitate to contact me at (951) 928-3777 extension 4468 or by email at El-hagem@emwd.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maroun El-Hage".

Maroun El-Hage, MPA, MS, PE
Principal Civil Engineer
Development Services Department
Eastern Municipal Water District

MEH:lm

Attachment(s): Copy of Public Notice



NATIVE AMERICAN HERITAGE COMMISSION

December 21, 2020

Travis Randel
City of San Jacinto
595 S. San Jacinto Avenue
San Jacinto, CA 92583

Re: 2020120312, City of San Jacinto General Plan Update Project, Riverside County

Dear Mr. Randel:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

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COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamatt-
Stenslie
Chumash

COMMISSIONER
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COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
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NAHC.ca.gov

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

nahc@nahc.ca.gov

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18). nahc.ca.gov

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



Hans W. Kernkamp, General Manager-Chief Engineer

SENT VIA EMAIL ONLY

generalplan@sanjacintoca.gov

December 29, 2020

Mr. Travis Randel, Community Development Director
City of San Jacinto
595 S. San Jacinto Ave
San Jacinto, CA 92583

RE: Notice of Preparation (NOP) for San Jacinto General Plan Update (Project) in the City of San Jacinto

Dear Mr. Randel:

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP addressing the Project. The Project proposes to update the General Plan for the City of San Jacinto. The RCDWR offers the following comments for your consideration while preparing the Project's EIR.

1. Build-out of the Project may have the potential to increase the amount of waste that could adversely affect solid waste facilities. To assess waste impacts, the EIR should include the projected maximum amount of waste generated from build-out of the Project, using appropriate waste generation factors for the proposed land uses.

Note- CalRecycle's website may be helpful to determine the Project's waste generation:
<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

2. The following information can be useful in the analysis of the solid waste impacts:
 - a) Solid waste generated within the Project area is collected by CR&R Inc. (CR&R), with the bulk of recyclable waste and green waste delivered to the Perris Transfer Station for processing. The facility is located at 1706 Goetz Road in Perris
 - b) The franchise waste hauler primarily uses the Badlands landfill for disposal, but may also utilize the El Sobrante and/or Lamb Canyon landfills for disposal of the waste generated from the proposed Project. Descriptions of the local landfills are provided below:

Badlands Landfill:

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, with a total permitted disturbance area of 278 acres, of which 150 acres are permitted for refuse disposal. The landfill is currently permitted to receive 4,500 tpd of MSW for disposal and 300 tpd for beneficial

reuse. The site has an estimated total capacity of approximately 20.5 million tons¹. As of January 1, 2020 (beginning of day), the landfill had a total remaining disposal capacity of approximately 5.1 million tons.² The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2022.³ From January 2019 to December 2019, the Badlands Landfill accepted a daily average of 2,878 tons with a period total of approximately 886,388 tons. Landfill expansion potential exists at the Badlands Landfill site.

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. The El Sobrante Landfill has a total disposal capacity of approximately 209.9 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 landfill's permit 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. Per the 2018 Annual Report, the landfill had a remaining in-County disposal capacity of approximately 53.8 million tons.⁴ In 2018, the El Sobrante Landfill accepted a daily average of 11,031 tons with a period total of approximately 3,386,471 tons. The landfill is expected to reach capacity in approximately 2060.

Lamb Canyon Landfill:

The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill property encompasses approximately 1,189 acres, of which 703.4 acres encompass the current landfill permit area. Of the 703.4-acre landfill permit area, approximately 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 500 tpd for beneficial reuse. The site has an estimated total disposal capacity of approximately 20.7 million tons.⁵ As of January 1, 2020 (beginning of day), the landfill has a total remaining capacity of approximately 8.7 million tons⁶. The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2029.⁷ From January 2019 to December 2019, the Lamb Canyon

¹ GASB_18_2019 – Engineering Estimate for total landfill capacity

² GASB_18_2019 & SiteInfo

³ SWFP # 33-AA-0006

⁴ 2018 El Sobrante Landfill Annual Report- Based on 134,549,993 tons remaining capacity (40% for in-county waste).

⁵ GASB 18_2019 – Engineering Estimate for total landfill capacity

⁶ GASB 18_2019 & SiteInfo

⁷ SWFP # 33-AA-0007

Landfill accepted a daily average of 1,925 tons with a period total of approximately 591,125 tons. Landfill expansion potential exists at the Lamb Canyon Landfill site.

3. Additionally, you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance efforts to comply with the State's mandate of 50% solid waste diversion from landfilling:
 - The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
 - Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
 - Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
 - AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
 - Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
 - Subscribe to a recycling service with waste hauler.
 - Provide recycling service to tenants (if commercial or multi-family complex).
 - Demonstrate compliance with requirements of California Code of Regulations Title 14.
 - For more information, please visit:
<http://www.rcwaste.org/business/recycling/mcr>
 - AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services. Those subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:
 - Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.

Mr. Randel
Community Development Director, City of San Jacinto
NOP– City of San Jacinto General Plan Update Project
December 29, 2020
Page 4

- Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.

Thank you for allowing us the opportunity to comment on the NOP. Please continue to include the RCDWR in future transmittals. Please email me at khesterl@rivco.org if you have any questions regarding the above comments.

Sincerely,



Kinika Hesterly
Urban/Regional Planner IV

DM# 268688



Hans W. Kernkamp, General Manager-Chief Engineer

SENT VIA EMAIL ONLY

generalplan@sanjacintoca.gov

December 30, 2020 (Updated)

Mr. Travis Randel, Community Development Director
City of San Jacinto
595 S. San Jacinto Ave
San Jacinto, CA 92583

RE: Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for San Jacinto General Plan Update (Project) in the City of San Jacinto

Dear Mr. Randel:

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP addressing the Project. The Project proposes to update the General Plan for the City of San Jacinto. The RCDWR offers the following comments for your consideration while preparing the Project's EIR.

1. Build-out of the Project may have the potential to increase the amount of waste that could adversely affect solid waste facilities. To assess waste impacts, the EIR should include the projected maximum amount of waste generated from build-out of the Project, using appropriate waste generation factors for the proposed land uses.

Note- CalRecycle's website may be helpful to determine the Project's waste generation:
<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

2. The following information can be useful in the analysis of the solid waste impacts:
 - a) Solid waste generated within the Project area is collected by CR&R Inc. (CR&R), with the bulk of recyclable waste and green waste delivered to the Perris Transfer Station for processing. The facility is located at 1706 Goetz Road in Perris.
 - b) The franchise waste hauler primarily uses the El Sobrante landfill for disposal, but may also utilize the Badlands and/or Lamb Canyon landfills for disposal of the waste generated from the proposed Project. Descriptions of the local landfills are provided below:

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(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. Per the 2019 Annual Report, the landfill had a remaining in-County disposal capacity of approximately 52.8 million tons.¹ In 2019, the El Sobrante Landfill accepted a daily average of 11,139 tons with a period total of approximately 3,419,617 tons. The landfill is expected to reach capacity in approximately 2060.

Badlands Landfill:

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, with a total permitted disturbance area of 278 acres, of which 150 acres are permitted for refuse disposal. The landfill is currently permitted to receive 4,500 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 20.5 million tons². As of January 1, 2020 (beginning of day), the landfill had a total remaining disposal capacity of approximately 5.1 million tons.³ The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2022.⁴ From January 2019 to December 2019, the Badlands Landfill accepted a daily average of 2,878 tons with a period total of approximately 886,388 tons. Landfill expansion potential exists at the Badlands Landfill site.

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¹ 2018 El Sobrante Landfill Annual Report- Based on 134,549,993 tons remaining capacity (40% for in-county waste).

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⁴ SWFP # 33-AA-0006

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⁶ GASB 18_2019 & SiteInfo

⁷ SWFP # 33-AA-0007

3. Additionally, you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance efforts to comply with the State's mandate of 50% solid waste diversion from landfilling:
 - The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
 - Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
 - Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
 - AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
 - Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
 - Subscribe to a recycling service with waste hauler.
 - Provide recycling service to tenants (if commercial or multi-family complex).
 - Demonstrate compliance with requirements of California Code of Regulations Title 14.
 - For more information, please visit:
<http://www.rcwaste.org/business/recycling/mcr>
 - AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services. Those subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:
 - Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
 - Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.

Mr. Randel
Community Development Director, City of San Jacinto
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December 30, 2020
Page 4

Thank you for allowing us the opportunity to comment on the NOP. Please continue to include the RCDWR in future transmittals. Please email me at khesterl@rivco.org if you have any questions regarding the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kinika Hesterly', written in a cursive style.

Kinika Hesterly
Urban/Regional Planner IV

DM# 268688



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

230693

January 12, 2021

City of San Jacinto
Community Development Department
595 South San Jacinto Avenue
San Jacinto, CA 92583

Attention: Travis Randel

Re: San Jacinto General Plan Update EIR

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received December 21, 2020. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- This project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension of the adopted _____ Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- This project is located within the limits of the District's San Jacinto Regional Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid by cashier's check or money order only

to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



DEBORAH DE CHAMBEAU
Engineering Project Manager

cc: Riverside County Planning Department
Attn: Phayvanh Nanthavongdouangsy

SLJ:blm



SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
T: (213) 236-1800
www.scag.ca.gov

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January 19, 2021

Mr. Travis Randel, Community Development Director
City of San Jacinto
595 South San Jacinto Avenue
San Jacinto, California 92583
Phone: (951) 487-7330
E-mail: generalplan@sanjacintoca.gov

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the San Jacinto General Plan Update [SCAG NO. IGR10321]

Dear Mr. Randel,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the San Jacinto General Plan Update (“proposed project”) to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG’s adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG’s feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is also the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the San Jacinto General Plan Update in Riverside County. The proposed project includes General Plan Update that is expected to guide the City’s development and conservation through land use objectives and policy guidance and includes growth projections.

When available, please email environmental documentation to IGR@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Karen Calderon, Associate Regional Planner, at (213) 236-1983 or IGR@scag.ca.gov. Thank you.

Sincerely,

Ping Chang
Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
SAN JACINTO GENERAL PLAN UPDATE [SCAG NO. IGR10321]**

CONSISTENCY WITH CONNECT SOCIAL

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with Connect SoCal.

CONNECT SOCIAL GOALS

The SCAG Regional Council fully adopted Connect SoCal in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <https://scag.ca.gov/read-plan>). The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

SCAG CONNECT SOCIAL GOALS	
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>
Goal #3:	<i>Enhance the preservation, security, and resilience of the regional transportation system</i>
Goal #4:	<i>Increase person and goods movement and travel choices within the transportation system</i>
Goal #5:	<i>Reduce greenhouse gas emissions and improve air quality</i>
Goal #6:	<i>Support healthy and equitable communities</i>
Goal #7:	<i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i>
Goal #8:	<i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>
Goal #9:	<i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i>
Goal #10:	<i>Promote conservation of natural and agricultural lands and restoration of habitats</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCIAL GOALS	
Goal	Analysis
Goal #1: <i>Encourage regional economic prosperity and global competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
Goal #2: <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. To view Connect SoCal and the accompanying technical reports, please visit: <https://scag.ca.gov/read-plan>. Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG’s 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e. transportation analysis zone (TAZ)) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the Connect SoCal Demographics and Growth Forecast Technical Report:

https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of San Jacinto Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	47,685	56,254	60,845	69,861
Households	6,333,458	6,902,821	7,170,110	7,633,451	15,583	19,353	21,349	24,964
Employment	8,695,427	9,303,627	9,566,384	10,048,822	7,470	9,656	10,383	13,083

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see: <https://scag.ca.gov/read-plan-certified-final-peir>; and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



January 7, 2021

Sent via email: generalplan@sanjacintoca.gov

Travis Randel
City of San Jacinto
595 S. San Jacinto Ave.
San Jacinto, CA 92583

Re: San Jacinto General Plan Update

Dear Mr. Randel,

This letter is written on behalf of Rincon Band of Luiseño Indians, (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government.

The Band has received the notification for the above referenced project. The location identified within project documents is not within the Band’s specific Area of Historic Interest (AHI).

At this time, we have no additional information to provide. We recommend that you directly contact a Tribe that is closer to the project and may have pertinent information.

Thank you for submitting this project for Tribal review. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635 or via electronic mail at crd@rincon-nsn.gov.

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

Sincerely,

Deneen Pelton

Administrative Assistant II for
Cheryl Madrigal
Tribal Historic Preservation Officer

P: (626) 381-9248
F: (626) 389-5414
E: mitch@mitchtsailaw.com



Mitchell M. Tsai
Attorney At Law

155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

January 19, 2021

City of San Jacinto
Community Development Department
Travis Randel, Community Development Director
595 S. San Jacinto Ave.
San Jacinto, CA 92583
Em: generalplan@sanjacintoca.gov;
Em: trandel@sanjacintoca.gov

RE: General Plan Update

Dear Mr. Randel,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenters**”), my Office is submitting these comments on the City of San Jacinto’s (“**City**” or “**Lead Agency**”) Notice of Preparation of an Environmental Impact Report (“**NOP**”) for the General Plan Update (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest live, work and recreate in the City and surrounding communities and are directly affected by the Project’s environmental impacts.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the environmental impact report (“**EIR**”) submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2 and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the Agency’s governing body.

The City should seriously consider requiring developments to provide additional community benefits such as local hire and use of a skilled and trained workforce to build development projects within the City. The City should require the use of workers who have graduated from a Joint Labor-Management apprenticeship training program approved by the State of California or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California. The City would stand to realize substantial economic benefits from the use of local workers and a skilled and trained workforce, a significant consideration in light of the significant and often unavoidable environmental impacts of development projects.

Also, the City should require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two primary purposes. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project. 14

California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).¹ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the Agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any significant unavoidable effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure

¹ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 et seq, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

requirements presents a question of law subject to the courts' independent review. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR are more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals, it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed. The public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency find significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.²

² Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices and training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked, indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.

- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen, or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am, only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site, such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that

meet standards that may be promulgated by the Center for Disease Control, O

- Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health, or applicable local public health agencies.³

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before conducting construction activities at the Project Site.

C. The EIR Should Review the Project’s Consistency with Regional Housing Plans

CEQA Guidelines section 15125(d) requires that an environmental impact report “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543. The EIR should thoroughly evaluate the impact that this Project will have towards meeting the City’s Regional Housing Needs Assessment targets, especially as to meeting needs by income level.

In particular, the City should address its affordable housing deficit under the City’s General Plan – Housing Element. State Housing Element Law requires SCAG to prepare a Regional Housing Needs Assessment (RHNA) every eight years to identify existing and future housing needs. For the project period through October 31, 2021, the RHNA allocation for San Jacinto is 2,433 units.⁴ SCAG’s 6th Cycle Draft Allocation for San Jacinto is 3,385 units (798 for very low income; 464 for low income;

³ *See also* The Center for Construction Research and Training, North America’s Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

⁴ San Jacinto General Plan – Housing Element, *available at* https://www.sanjacintoca.gov/UserFiles/Servers/Server_10384345/File/City%20Government/Community%20Development/Planning/General%20Plan/Housing_Element_2013-09.pdf.

559 for moderate-income; and 1,564 for above moderate-income).⁵ As part of the General Plan Update, the City should require any future residential development projects include an adequate number of affordable housing units to address its RHNA allocations under SCAG’s regional plan and state housing law.

D. Climate Action Plan and Greenhouse Gas Mitigation Measures

A local climate action plan (CAP) is a document that provides a roadmap of local policies that are intended to reduce greenhouse gas (GHG) emissions. Localities should consider including the following elements in a CAP:

- An emissions inventory and projection,
- Emission targets,
- Enforceable GHG control measures,
- Implementation, and
- Monitoring and reporting of GHG emission levels.

CAPS also may provide a means for streamlining the analysis of GHG emissions under CEQA for future projects. A CAP that meets specific criteria may provide the basis for CEQA review of GHG emissions for projects consistent with the plan. CEQA Guidelines §15183.5(b)(1).

To develop an enforceable CAP that qualifies for a streamlining analysis, the City needs to develop a CAP that includes an emissions inventory, targets, enforceable control measures, monitoring of emissions and reporting of emissions, and some implementation plans.

The City should also seriously consider all feasible GHG reduction measures and require them to be applied to all future development projects and incentivize retrofit of existing buildings to more efficient “green” building standards. Specific measures that may be included that could apply to City planning generally or to specific projects are:

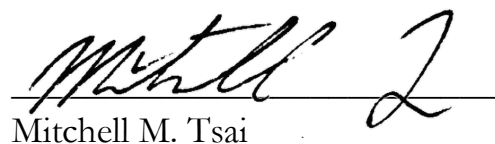
- Residential and non-residential photovoltaics;
- Solar hot water heaters;

⁵ SCAG 6th Cycle Draft RHNA Allocation Based On RC-Approved Final RHNA Methodology, available at <https://scag.ca.gov/sites/main/files/file-attachments/rhna-draft-allocations-090320-updated.pdf?1602188695>.

- Conversion to renewable forms of energy supply and requirement that the City transition to 100% renewables by a set target date;
- Measures to reduce indoor and outdoor water use, reduce solid waste entering landfills, capture landfill emissions, and capture emission from wastewater treatment facilities;
- Reduction of residential indoor water consumption through implementation of a water and conservation strategy with a specific target reduction and date;
- Adoption of policies and strategies to divert waste from landfills and capture emissions (e.g., promote zero waste or require a minimum percentage of construction and demolition waste be recycled or re-used; food recycling programs);
- Adoption of policies and strategies to capture emissions from wastewater treatment;
- Expansion of alternative fuel infrastructure, improve transit efficiency, preferential parking for clean vehicles, and support regional and local TDM improvements;
- Increase mass transit ridership through the implementation of specific goals and strategies such as funding for rapid buses and improving connectivity to popular destinations;
- Expand and improve bicycle roadways and incorporate a “complete Streets” approach in designing roadways, and explore a bicycle master plan for the City that connects popular destinations to residential areas and transit stops;
- Improvement of pedestrian infrastructure through the incorporation of a “complete streets” approach to planning; and development of a pedestrian master plan to improve and identify mobility linkages to improve walkability;
- Incentivization of telecommuting and alternative work schedules; and
- Development of an Urban Tree Planting Program.

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional
Council of Carpenters