

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

902B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 10, 2010

SUBJECT: SPECIFIC PLAN NO. 342, GENERAL PLAN AMENDMENT NO. 720, CIRCULATION ELEMENT GENERAL PLAN AMENDMENT NO. 721, CHANGE OF ZONE NO. 7055, ENVIRONMENTAL IMPACT REPORT NO. 471- Applicant: Nuevo Development Company. - Engineer/Representative: Lewis Operating Corporation and Albert A. Webb and Associates - Fifth Supervisorial District - Hemet/San Jacinto & Lakeview Zoning District - Lakeview/Nuevo Area Plan: Agriculture - Agriculture (AG-AG)(10 Acre Minimum); Community Development - Commercial Retail (CD-CR)(0.20-0.35 FAR), Low Density Residential (CD-LDR) (1/2 Acre Min), Light Industrial (CD-LI)(0.25-0.60 FAR), Public Facilities (CD-PF)(<0.60 FAR), Very Low Density Residential (CD-VLDR)(1 Acre Min); Rural Community - Low Density Residential (RC-LDR)(1/2 Acre Min), Very Low Density Residential; Rural - Rural Mountainous (R-RM)(10 Acre Min), Rural Residential (R-RR)(5 Acre Min); Open Space - Conservation (OS-C), Conservation Habitat (OS-CH)- Location: The project is located westerly of the city of San Jacinto, northerly of the Juniper Flats including portions of the Lakeview Mountains, northerly and southerly of the Ramona Expressway, and east of the San Jacinto River. - 2,785.56 Gross Acres - Zoning: Light Agriculture 10-Acre Minimum (A-1-10), Heavy Agriculture 10-Acre Minimum (A-2-10), Light Agriculture with Poultry 5-Acre Minimum (A-P), Rural Commercial 1/2-Acre Minimum (C-R), Manufacturing Service Commercial (M-SC), Natural Assets 20-Acre Minimum (N-A), Residential Agriculture 1/2-Acre Minimum (R-A), Residential Agriculture 1-Acre Minimum (R-A-1), Residential Agriculture 10-Acre Minimum (R-A-10), Residential Agriculture 2 1/2-Acre Minimum (R-A-2 1/2), Rural Residential 1/2-Acre Minimum (R-R), Natural Assets (N-A-640) - **REQUEST:** The **Specific Plan** proposes a maximum of 11,150 dwelling units to be constructed within seven (7) villages (an eighth (8) Village is Open Space) plus a combination of open space and conservation totaling about 991.2 acres. The proposed land uses include a range of residential products from Medium High Residential to Very High Residential and Mixed Use with a density range of 5 to 40 units per acre, A Mixed Use Town Center, Public Facilities, Public Facilities, Open Space, and Parks. **General Plan Amendment 720** proposes a

REVIEWED BY EXECUTIVE OFFICE

DATE 2/10/10 TML

Tina Grande
Departmental Concurrence

Ron Goldman
Planning Director

(CONTINUED ON ATTACHED PAGE)

RG/db

~~Policy~~
~~Policy~~

Dep't Recomm.: Consent
Per Exec. Ofc.: Consent

Prev. Agn. Ref. 1/26/2010, Item No. 16.2 | District: Fifth | Agenda Number:

16.4

Agenda Item No.:
Area Plan: Lakeview/Nuevo
Zoning Area: Hemet-San Jacinto and Lakeview Area
Supervisory District: Fifth
Project Planner: Matt Straite
Planning Commission: December 2, 2009
Continued from: November 18 2009, November 4 2009, October 21, 2009 and September 16, 2009

Specific Plan No. 342
General Plan Amendment No.720 (Land Use)
General Plan Amendment No.721 (Circulation)
Change of Zone No. 7055
Environmental Impact Report No. 471
Applicant: Nuevo Development Company LLC
Engineer/Rep.: Albert A. Webb and Associates

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT ADDENDUM

The project was before the Board of Supervisors on December 15, 2010, where it was continued to January 26, 2010, then again to February 23, 2010. During the December hearing many members of the public raised concerns and Staff was directed by Supervisor Ashley to reconcile the comments. In response Planning Staff and the County's EIR consultants have prepared a report with two sections. The first section is a summary with an outline of issues raised. The second section details each and every question, issue, or concern raised by the public and then responds to each. The responses include references to locations throughout the project documents that address many of the concerns.

Two Conditions of Approval relating to Archeological resources have been revised, conditions 10.Planning.21 and 30.Planning.31.

Additionally the following is being included for your consideration-

In Print-

- A report entitled "Responses to Public Testimony" which includes a summary and responses to each point raised during the hearing.
- A binder with all non-FEIR documents referenced in the Responses to Public Testimony Report.

On CD-

- PDF file of the Responses to Public Testimony Report.
- Every comment letter post FEIR through February 2, 2010
- County responses to all comment letters received post FEIR through February 2, 2010
 - This CD will also include the response to the public testimony
- Each Planning Commission Staff Report and memo's distributed to the Planning Commission



LUEBBEN
& BARNHOUSE LLP
attorneys at law

shough@luebbenlaw.com
505.938.9133 direct line

Via hand delivery and regular mail.

January 26, 2010

Kecia Harper-Ihem, Clerk of the Board
Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, First Floor
Riverside, CA 92501

Re: Specific Plan 00342; The Villages of Lakeview

Dear Ms. Harper-Ihem:

Please be advised, we represent the Soboba Band of Luiseño Indians (the "Band") in this matter. The Band is a federally recognized Indian tribe that has been determined the most likely descendant for similar projects within the vicinity of the above referenced specific plan for The Villages of Lakeview ("TVOL"). The project location contains a site of high ceremonial importance to the Band.

The Band attended the Board of Supervisors' public hearing on the above referenced specific plan for the TVOL on December 15, 2009. The Band provided comments through Joseph Ontiveros, Director of the Band's Cultural Resources Department, and through the undersigned legal counsel.

At that hearing, the Band opined that the Conditions of Approval provided for public review before that meeting appeared to be designed to achieve the minimum standards of the California Environmental Quality Act ("CEQA") and provisions of the Public Resources Code providing for the mitigation of harm to Native American archaeological, historical and cultural resources, as well as human remains. The Band also expressed that the TVOL project was in early stages and that many of these issues will ultimately be governed by the process of CEQA review for each subsequent tract map.

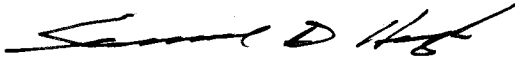
Subsequent to the January 15th meeting of the Board, the Band learned that the conditions of approval provided to the Board were amended without notice of the amendment to the Tribes. The changes wrought to the conditions of approval are such that the Band no longer believes that they will be an aid in achieving minimum compliance with applicable law.

Ms. Harper-Ihem
January 26, 2010
Page 2 of 2

The Band hereby requests that the conditions of approval that the Board will consider on February 9, 2010, be provided to the Band as required by Government Code sections 65352(a), 65352(b), 65352.3, and 65562.5. The Band also hereby requests, consistent with the authority cited herein, the opportunity to comment upon those conditions of approval in writing and orally at the hearing now scheduled for February 9, 2010.

Thank you for consideration of this request. We look forward to a mutually agreeable resolution of this matter consistent with the Board's obligation to consult with the Band on a government-to-government basis in such matters.

Sincerely,



Samuel D. Hough

Cc: Matt Strait (by facsimile and mail)
Leslie Mouriquand (by facsimile and mail)

Riverside County Board of Supervisors
4080 Lemon Street, 9th Floor
Post Office Box 1409
Riverside, CA 92502-1409

Re :Final Environmental Impact Report for the Villages of Lakeview
Specific Plan No. 342, Change of Zone No. 07055, General Plan
Amendment No. 720 & 721.

Dear Board of Supervisors:

I am a property owner in the area, (1745 Davis Rd., Nuevo) near where Lewis Homes plans to build the Village of Lakeview. It is unconscionable that anyone would want to destroy the beauty of this land, or impact the San Jacinto Wildlife Area where dozens of endangered species take refuge.

I request that you vote no and refuse the requests of Lewis Homes, or any other party who seeks to build high density housing within 3 miles of the preserve (SJWA). You cannot protect the SJWA properly and build developments at the same time.

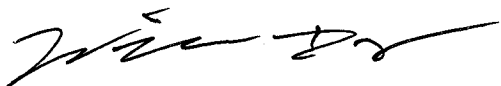
At a time when there is glut of housing in Riverside and water shortages we do not need another stucco village. Why not pass a zoning law that no one can build any development within a 3 mile radius of the San Jacinto Preserve.

We have lots of housing but few preserves for wildlife, let's protect these areas. Your grandchildren will not go on class trip to housing development, but they will to the SJWA, and it needs to be protected. Please vote no and turn this misguided plan down.

176.4

2010-01-098036.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Dyer', with a long horizontal flourish extending to the right.

William Dyer

Property owner

Dyer5@aol.com

Mailing address:

3151 Airway Ave suite i-1

Costa Mesa, CA 92626

December 23, 2009

Attn: Kecia Harper-Ihem, Clerk of the Board
Riverside County Clerk of the Board
4080 Lemon Street, 1st Floor
P.O. Box 1147
Riverside, CA 92501

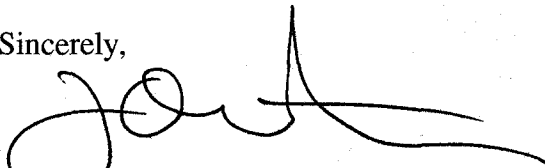
Re: Environmental Impact Report No. 471

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

Soboba Band of Luiseño Indians is requesting the following:

1. **Government to Government** consultation in accordance to SB18. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
2. Soboba Band of Luiseño Indians continues to be a lead consulting tribal entity for this project.
3. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that Native American Monitor(s) from the Soboba Band of Luiseño Indians Cultural Resource Department to be present during any ground disturbing proceedings. Including surveys and archaeological testing.
4. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

Sincerely,



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

Cultural Items (Artifacts). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer should agree to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

The Developer should waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archeological analysis, the Developer should return said artifacts to the Soboba Band within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.

Treatment and Disposition of Remains

A. The Soboba Band shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

B. The Soboba Band, as MLD, shall complete its inspection within twenty-four (24) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98 (a). The Parties agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.

C. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The Soboba Band, as the MLD in consultation with the Developer, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains.

D. All parties are aware that the Soboba Band may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Developer should accommodate on-site reburial in a location mutually agreed upon by the Parties.

E. The term "human remains" encompasses more than human bones because the Soboba Band's traditions periodically necessitated the ceremonial burning of human remains. Grave goods are those artifacts associated with any human remains. These items, and other funerary remnants and their ashes are to be treated in the same manner as human bone fragments or bones that remain intact

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

Non-Disclosure of Location Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

The Honorable Board of Supervisors

RE: SPECIFIC PLAN NO. 342, GENERAL PLAN AMENDMENT NO. 720, CIRCULATION ELEMENT GENERAL PLAN AMENDMENT NO. 721, CHANGE OF ZONE NO. 7055, ENVIRONMENTAL IMPACT REPORT NO. 471

Page 2 of 3

Foundation Element Amendment change from Rural, Rural Community, Agricultural and Open Space to the Community Development Foundation and changing the underlying land use designations from: Medium Density Residential (2-5 DU/AC); Low Density Residential (1/2 AC Min.); Very Low Density Residential (1 AC Min.); Light Industrial; Public Facility; Retail; Agriculture; Rural Mountainous; and, Conservation, to a Specific Plan (SP) land use designation. **Circulation Element General Plan Amendment 721** proposes modifications to the Circulation Element and trails of the General Plan within the project boundaries. The project will include upgrading, downgrading, and elimination of numerous existing and proposed roadway classifications for several streets including 3rd Street, 5th Street, 6th Street, 10th Street 9th Street, Yucca Avenue, Wolfskill Avenue, Hanson Avenue, and Bridge Street from designations shown on the current circulation element plan for the Lakeview/Nuevo Area Plan. The **Change of Zone** proposes to change the zoning of the subject properties from A-1-10, A-2-10, A-P, C-P-S, C-R, M-SC, R-1, R-A, R-A-1, R-A-10, R-A-21/2, R-R Zone to Specific Plan (SP). The **Environmental Impact Report** analyzed the significant environmental impacts of the project. APN(s): 425-100-002, 425-100-015, et al.

AT THE DECEMBER 2ND PLANNING COMMISSION HEARING, THE PLANNING DEPARTMENT RECOMMENDED APPROVAL; and THE PLANNING COMMISSION RECOMMENDS:

TENTATIVE CERTIFICATION of ENVIRONMENTAL IMPACT REPORT NO. 471, based on the findings incorporated in the EIR, and subject to resolution adoption;

APPROVAL of GENERAL PLAN AMENDMENT NO. 720 (Land Use) and 721 (Circulation), amending the Land Use Designation for the subject property from Land Use: Community Development; Very Low Density Residential- Community Development (VLDR-CD), Agriculture with a Community Development Overlay, Medium Density Residential (MDR) (2-5 du/ac), Heavy Industrial (HI 0.15 - 0.50 FAR), Light Industrial (LI 0.25 - 0.60 FAR), Open Space: Open Space Conversation (OS-C), Rural Community: Very Low Density Residential- Rural Community (VLDR-RC), Low Density Residential- Rural Community (LDR-RC), Rural: Rural Residential (RR), Rural Mountainous (RM), Agriculture: Agriculture (AG), to Specific Plan as reflected by the land use diagram; amend roadway and trail classifications per attached exhibit; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the General Plan Amendment Resolution;

APPROVAL of SPECIFIC PLAN NO. 342, based on the findings and conclusions incorporated in the staff report; and, pending adoption of the Specific Plan Resolution by the Board of Supervisors; and,

APPROVAL of CHANGE OF ZONE NO. 7055, amending the zoning classification for the subject property from Light Agriculture 10 acre min. (A-1-10), Heavy Agriculture 10 acre Min. (A-2-10), Light Agriculture with Poultry (A-P), Scenic Highway Commercial (C-P-S), Commercial Retail (C-R), Manufacturing- Service Commercial (M-SC), One- Family Dwelling (R-1), Residential Agriculture (R-A), Residential Agriculture 1 acre Min. (R-A-1), Residential Agriculture 10 acre Min. (R-A-10), Residential Agriculture 2 ½ acre Min. (R-A-21/2), Rural-Residential (R-R) to Specific Plan (SP) in accordance with the Zoning Exhibit; an amendment to Ordinance 348 to incorporate the Specific Plan Zoning Ordinance; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption.

The Honorable Board of Supervisors

RE: SPECIFIC PLAN NO. 342, GENERAL PLAN AMENDMENT NO. 720, CIRCULATION
ELEMENT GENERAL PLAN AMENDMENT NO. 721, CHANGE OF ZONE NO. 7055,
ENVIRONMENTAL IMPACT REPORT NO. 471

Page 3 of 3

BACKGROUND:

The project was before the Board on December 15, 2009 which was continued to January 26, 2010 and then to February 23, 2010. During the hearing in December the public presented a number of concerns. Staff was directed to reconcile the issues presented. The attached report is presented in two sections, the first is a summary of the issues and short descriptions of the locations the issues were discussed in the project documents; the second section details each and every comment presented by the public and responds to each similar to the format used for the FEIR response to comments. The recommendation by staff remains unchanged.

Agenda Item No.:
Area Plan: Lakeview/Nuevo
Zoning Area: Hemet-San Jacinto and Lakeview Area
Supervisory District: Fifth
Project Planner: Matt Straite
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