

January 8, 2009

Client-Matter: 26721-030

BY E-MAIL WWW.MIDCOUNTPARKWAY.ORG

Ms. Cathy Bechtel
Riverside County Transportation Commission
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Mr. Tay Dam
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814-4708

Re: Comments on the Mid County Parkway EIR/EIS

Dear Ms. Bechtel and Mr. Dam:

This letter is submitted on behalf of Nuevo Development Corporation, the project sponsor of the proposed project, The Villages of Lakeview (TVOL) that is currently in the entitlement process before the County of Riverside.

The proposed alignment of the Mid-County Parkway (MCP) is proposed to traverse TVOL along the existing alignment of the Ramona Expressway in the San Jacinto Segment. For planning purposes, the land use planning for TVOL assumes the buildout of Ramona Expressway pursuant to the County's General Plan with identification of three potential interchange locations at Reservoir Road, Town Center Boulevard, and Park Center Boulevard that are consistent with the MCP project description. The two projects are also consistent in their respective accommodations of a proposed wildlife crossing near Bridge Street. In reviewing the Draft EIR/EIS, however, we note several areas in which greater coordination between the MCP project and TVOL should be required in order to mitigate significant effects of the MCP project on adjacent land uses. Our comments are as follows:

1. Project Description. With respect to the MCP Project Description, we note that on page 1-16, the Draft EIR/EIS states that the land use assumptions in the transportation demand model reflected the land uses included in the County's General Plan. Although projections in an adopted general plan provide an indication of future transportation demands, the County is also considering several applications for amendments to the General Plan that

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would affect those projections. The proposed TVOL project includes as part of its entitlement request a General Plan Amendment. Therefore, amendments that are “in the pipeline” and under consideration by the County and the other local agencies should be taken into consideration in assessing future demand. We note that the Cumulative Impacts analysis at Chapter 3.25 takes into consideration planned specific projects in addition to projections in the General Plan and this may provide a more accurate picture of future transportation demands than reliance only on the adopted plans.

2. Related Projects. The Related Projects discussion on page 1-29 of the Draft EIR/EIS identifies those transportation projects that are complementary to the MCP Project. The County of Riverside is also contemplating adoption of a Road and Bridge Benefit District to fund additional transportation improvements and the preparers of the Draft EIR/EIS should consider whether any of the improvements under that proposed funding mechanism should be considered and included in this list. The proposed RBBB, which is under review and consideration by the County, should also be taken into consideration in the Related Transportation Projects component of the cumulative impacts analysis in Chapter 3.25.

3. Section 3.7, Visual/Aesthetics. The MCP traverses TVOL in the current alignment of the Ramona Expressway. Two interchanges are proposed at Town Center and Park Center requiring elevated overcrossings and elevated on/off ramps. This would change the visual character of the adjacent residential and mixed-use development proposed for the areas immediately adjacent and could potentially affect the views currently afforded across the at-grade Ramona Expressway across to the Lakeview Mountains. Mitigation Measures VIS-5 and VIS-6 require RCTC to include aesthetic enhancements to proposed soundwalls and retaining walls in the project design. We would request that the measure also require coordination with the adjacent landowner to ensure consistency of design with the proposed TVOL development.

4. Section 3.8, Cultural Resources. Section 3.8.2.1 identifies eligible cultural resources within the Area of Potential Effects, and includes a site within TVOL (P-33-16598). As mitigation, the Draft EIS/EIR recommends that the remainder of this site not affected by the MCP project be protected with the designation as an Environmentally Sensitive Area (ESA) in accordance with the Caltrans Section 106 Programmatic Agreement. We would request that the mitigation measure recommended for this site require coordination and consultation with the landowner prior to ESA designation, and that the mitigation measure be revised to clearly state that the ESA designation is a temporary designation that pertains to the site only during construction of the MCP project construction and that once construction is completed, the ESA designation will terminate. Further, since the site extends a distance from the MCP right-of-way, and as the purpose of the ESA designation is to protect the resource from inadvertent damage during construction, we would suggest that only the first 100 feet immediately adjacent to the MCP right-of-way, as finally delineated, should be so designated. Our suggested revision of AR-1 is as follows:

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Should Alternative 9 be selected as the preferred action, the first 100 feet of that portion of Site P-33-16598 that is adjacent to the final delineated right-of-way of MCP shall be further protected with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. This portion of the site shall be protected from any possible project impacts via the use of fencing during MCP project construction and the presence of an archaeological monitor and a Native American monitor during all ground disturbing activities in the area of Site P-33-16598. The ESA designation shall terminate upon completion of MCP project construction in the area of P-33-16598.

We appreciate your consideration of our comments and will review the Final EIR/EIS to see how they have been addressed and may submit additional comments at that time on the Final EIR/EIS. Should you have any questions regarding our comments, please do not hesitate to contact Andy Petitjean of Nuevo Development Corporation at 909-946-7540.

Very truly yours,



Susan K. Hori

Manatt, Phelps & Phillips, LLP

cc: Andy Petitjean