

PEPPER AVENUE SPECIFIC PLAN

Final Environmental Impact Report
State Clearinghouse Number 2016021047

Prepared for
City of Rialto

October 2017



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CHAPTER 1

Introduction

A. Purpose of the Final EIR

The City of Rialto (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Final Environmental Impact Report (Final EIR) for the Pepper Avenue Specific Plan project (the Project). This document, in conjunction with the Draft EIR, collectively comprise the Final EIR.

As described in Sections 15089, 15090 and 15132 of the CEQA Guidelines, the Lead Agency must prepare and consider the information contained in a Final EIR before approving a project. Pursuant to CEQA Guidelines Section 15132, a Final EIR consists of: a) the Draft EIR or a revision of the Draft; b) comments and recommendations received on the Draft EIR either verbatim or in summary; c) a list of persons, organizations, and public agencies commenting on the Draft EIR; d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and e) any other information added by the Lead Agency. In addition, this Final EIR includes: a summary of the Project being proposed; a description of the CEQA EIR process conducted for the Project; and a description of the contents and organization of the Draft EIR and Final EIR.

Accordingly, this Final EIR is comprised of two components as follows:

Component 1: Draft EIR and Technical Appendices (March 2017)

- Draft EIR (Chapters 1 to 7 and Technical Appendices A-H)

Component 2: Final EIR

As permitted in Section 15150 of the CEQA Guidelines, the Draft EIR referenced technical studies, analyses, and reports. Information from the referenced documents has been briefly summarized in the appropriate section(s) of the Draft EIR. All documents referenced in the Draft EIR are hereby incorporated by reference and are available for public inspection and review upon request to the City. A summary list of the contents of the Draft EIR is provided at the end of this chapter.

This Final EIR comprises the final component of the CEQA environmental review process for the proposed Project. The Final EIR, together with the Draft EIR published in March 2017, address the potential environmental impacts of the Project pursuant to CEQA, Public Resources Code

Section 21000 et seq., and the CEQA Guidelines, Title 14 of the Code of California Regulation (CCR), Section 15000 et seq.

The Project is subject to a program EIR because the Pepper Avenue Specific Plan constitutes a series of actions that can be characterized as one large project that is related: “...a) geographically; b) as logical parts in a chain of contemplated actions; and c) in connection with the issuance of...plans...to govern the conduct of a continuing program...” (CEQA Guidelines 15168[a]). A program EIR generally establishes a foundation for “tiered” or project-level environmental documents that may be subsequently prepared in accordance with the overall program.

The purpose of the EIR is to inform decision-makers and the general public of the potential environmental impacts resulting from the Project. The City has the principal responsibility for approving the Project and, as the Lead Agency, is responsible for the preparation and distribution of this Final EIR pursuant to CEQA Statute Section 21067. The EIR will be used in connection with all other permits and all other approvals necessary for the implementation of the Project. The EIR will be used by the City and other responsible public agencies that must approve activities undertaken with respect to the Project.

B. Project Summary

Project Location

The approximate 101.7-acre Project site is located within the eastern portion of the City of Rialto. Regionally, the City of Rialto is located in the southwestern portion of San Bernardino County in the largely developed San Bernardino Valley Region. Rialto is primarily surrounded by the developed cities of Fontana, Colton, and San Bernardino. Unincorporated portions of the counties of San Bernardino and Riverside also abut the City. The City of San Bernardino is immediately east of the Project site.

In the local Project vicinity, the irregular-shaped Project Site is generally located east of Eucalyptus Avenue, south of the 210 Freeway, west of the theoretical extension Meridian Avenue and north of Walnut Avenue. Pepper Avenue bisects the east and west halves of the Project site. Pepper Avenue was recently extended from Winchester Drive on the south, through the Project site, connecting to Highland Avenue through an underpass just north of the 210 Freeway.

Adjacent and surrounding land uses in the Project area are summarized as follows:

NORTH: CalTrans right-of-way/210 Freeway followed by vacant land and aggregate mining operations north of Highland Avenue. The 210 Freeway and Pepper Avenue Interchange Project is currently under construction and is anticipated to be completed in 2018 prior to opening of future development within the Project Site.

EAST: Vacant land and the BNSF Railroad followed by the Lytle Creek Wash which trends in a southeast to southwest direction. The Lytle Creek – Island Levee System protects the Project site and surrounding development from potential flooding associated with Lytle Creek. In addition, there is a semi-rural residence to the east of the Project Site just beyond the railroad line to the east of the on-site West Valley Water District (WVWD) facility.

WEST: Single-family residential uses and Frisbie Park. The Park, in addition to children's play areas, includes six lighted baseball/softball fields.

SOUTH: An unnamed wash and vacant land followed by single-family residential uses.

Existing Conditions

The Project site is mostly vacant, with the exception of the recently constructed Pepper Avenue roadway extension, which bisects the Project site in a north-south direction, and a WVWD facility which includes three production wells, a pump station, and a reservoir (all to remain as part of the Project). Vacant portions of the Project site are highly disturbed due to off-road vehicle (ORV) use, with some areas subject to unauthorized trash dumping.

Pepper Avenue, which the northerly portion is not constructed to its ultimate curb width, is designated as a Major Arterial, which the City General Plan indicates has "at least two lanes of travel in each direction, left turn lanes at intersections, and parking lanes." The northerly portion of Pepper Avenue will be completed in conjunction with the 210 Freeway/Pepper Avenue interchange construction. Landscaped sidewalks and streetlights are planned to be provided on both sides of Pepper Avenue.

A portion of the Pepper Avenue roadway extension was constructed atop an earthen embankment with four, 10-foot by 10-foot reinforced concrete block culverts constructed beneath the roadway to convey drainage across the Project Site in a northwest to southeast direction. These culverts were designed to provide adequate width and height for migration of wildlife through the Pepper Avenue watershed and for maintenance by the City, in addition to accommodating seasonal stream flows within the tributary and maintaining existing hydrological conditions. Beyond Pepper Avenue, flows trend in an easterly direction within an unnamed wash and feed Lytle Creek.

Nonnative grasslands, which in some areas support a sparse population of elderberry shrubs, cover the central portion of the Project Site; relatively undisturbed mature and intermediate Riversidean alluvial fan sage scrub (RAFSS) habitat dominates the western portion of the Project Site and a small area of southern willow scrub (SWS) habitat is located near the WVWD pumping facility in the southern portion of the Project Site. The Project Site supports at least two jurisdictional drainage features which are subject to regulation by the United States Army Corps of Engineers (USACE) and the Santa Ana Regional Water Quality Control Board (RWQCB) as "waters of the U.S.," and by the California Department of Fish and Wildlife (CDFW) as jurisdictional streambed.

Project Summary

Development as part of the Project would be guided by the Pepper Avenue Specific Plan (Specific Plan). The Specific Plan is comprised of six chapters including Chapter 1, Introduction; Chapter 2, Planning Context; Chapter 3, Plan Elements; Chapter 4, Design Guidelines; Chapter 5, Development Standards, and Chapter 6, Implementation.

A detailed description on the Project is provided in the Draft EIR, Chapter 2, *Project Description*. Proposed land uses include community commercial uses with up to approximately 462,000 square feet (SF) of retail shopping center and 125,000 SF of business park uses. In addition, a residential overlay would allow up to 275 multi-family dwelling units, which if developed, would replace 116,000 SF of retail shopping center, leaving a total of 346,000 SF of retail shopping center use.

There are no parks proposed within the Specific Plan area. However, the Specific Plan is proposing that at a minimum 29.5 acres of the Project site remain as open space. The open space would largely consist of RAFSS habitat and jurisdictional drainage features located on/near the site's eastern boundary. If 6.3 acres of area contemplated for community commercial uses do not get improved with community commercial uses, it would also remain as open space. Thus, the total open space could increase to 35.8 acres under this scenario.

The Project is contemplating to provide a grade-separated pedestrian bridge connection between its developed areas and Frisbee Park to the west. The bridge would span over the RAFSS habitat and would range from 300 to 700 feet long depending on the development that would occur within the Project Site. Under any scenario, the bridge would be 10-feet wide and for pedestrian use only. The bridge would also be designed to allow for the movement of wildlife through the RAFSS habitat. It should be noted that there are a number of variables that need to be determined for the pedestrian bridge, including but not limited to, obtaining permitting agency approvals (i.e. Army Corps of Engineers). Although it is anticipated that the pedestrian bridge would not disrupt a significant portion of the RAFSS, timing and securing funding for the bridge may be difficult to coordinate. Nonetheless, the pedestrian bridge is an encouraged element of the Project.

Approximately 13.7 acres of the Project Site is developed with the WVWD Facility. The facility currently consists of a combination of pump stations, water supply wells, and an aeration reservoir that serves WVWD's Zone 4. No future development is proposed on this portion of the Project site as part of the Project.

The Project site would be locally accessed via Pepper Avenue from the north and south. The future Pepper Avenue interchange with the 210 Freeway would provide regional access to the Project site. Pepper Avenue is designated as a Major Arterial in the City of Rialto General Plan. The Project includes improvements to Pepper Avenue by including four lanes of travel and a Class II bike lane in both directions. Pepper Avenue also includes a raised median at some locations, inclusive of turn pockets. On-street parking would be prohibited along Pepper Avenue within the Project site. Also, the Project would accommodate the construction of four new signalized and non-signalized intersections along Pepper Avenue that would provide access to the developable parcels within the Project site. Two driveways would be signalized and two others will only allow for right-in, right-out traffic to ensure safe, orderly and predictable vehicular travel.

C. Overview of the Environmental Review Process for the EIR

In compliance with the CEQA Guidelines, the City has provided opportunities for the public to participate in the environmental review process. During the preparation of the Draft EIR, an effort was made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments and inform the public of the proposed Project. This included the distribution of an Initial Study and Notice of Preparation (NOP), and the holding of a public scoping meeting.

Initial Study

In accordance with Section 15063(a) of the CEQA Guidelines, the City undertook the preparation of an Initial Study. The Initial Study determined that of the following environmental issue areas may be significantly impacted by the Project and should be further evaluated in the Draft EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Land Use and Planning
- Noise
- Transportation/Traffic

Based on the Initial Study, issues for which no or less than significant impacts are anticipated to occur are identified in Chapter 6, Other Environmental Considerations, of the Draft EIR.

Notice of Preparation

Pursuant to the provision of Section 15082 of the CEQA Guidelines, the City circulated a NOP to public agencies, special districts, and members of the public for a 30-day period commencing January 25, 2016 and ending February 19, 2016. The purpose of the NOP was to formally convey that the City is preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the EIR. The Initial Study was circulated with the NOP. The NOP, Initial Study, and responses to the NOP are provided in Appendix A, Initial Study/Notice of Preparation/NOP Comment Letters, of the Draft EIR.

Public Scoping Meeting

The City advertised a notice of public scoping meeting for the Project, which was held on Thursday, February 4, 2016 at Frisbie Middle School located at 1442 N. Eucalyptus Avenue in the City of Rialto. The meeting was held with the specific intent of affording interested individuals/groups and public agencies to assist the lead agency in determining the scope and focus of the EIR as described in the NOP and Initial Study.

NOP Comments Received

The NOP/Initial Study was distributed to various public agencies, other entities, and members of the public in order to receive input on the scope and content of environmental information to be provided in the Draft EIR. Comments on the scope and content of the EIR were received from various public agencies and individuals from the public. The NOP comments are contained in Appendix A of the Draft EIR.

Notice of Availability of Draft EIR

In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the CEQA Guidelines, the City, serving as the Lead Agency in early March 2017 circulated a Notice of Availability (NOA) of a Draft EIR to: property owners within 300 feet of the project site; occupants of properties contiguous to the project site; and public agencies, organizations and individuals that commented on the NOP or requested such notice in writing. In addition, a notice was placed within the San Bernardino County Sun newspaper on March 7, 2017. The NOA indicated the Draft EIR would be available for review at the following locations:

- Rialto City Hall, Planning Division located at 150 S. Palm Avenue, Rialto, CA 92376;
- San Bernardino County Rialto Branch Public Library located at 251 West First Street Rialto, CA 92376; and
- Online at the Department of City Planning's website at www.yourrialto.com/current-projects/.

The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and circulated for the public review period beginning March 7, 2017, and ending on April 24, 2017. This public review period, which lasted 45-days, was consistent with the CEQA Guidelines Section 15087 requirements for public review of a Draft EIR. All comments on the Draft EIR were submitted to Gina Gibson in the Development Services Department at City Hall, 150 South Palm Avenue, Rialto, CA 9237.

During the 45-day public review period, a public meeting was held at Frisbie Middle School in the City of Rialto on April 3, 2017, in order to take comments on the Draft EIR and provide an overview of the Project and CEQA process. All comments provided in writing to the City during the public review period are presented and responded to in Chapter 2.0, Comments and Responses, of this Final EIR.

Final EIR

The contents of this Final EIR are summarized in sub-section A, *Purpose of the Final EIR*, above, and described in more detail in sub-section E, *Contents of the Final EIR/EIR Organization*, below.

After this Final EIR is completed, and at least 10 days prior to its certification, a copy of the response to comments on the Draft EIR will be provided or made available to all commenting parties.

According to PRC Section 21081, the Lead Agency must make specific Findings of Fact (Findings) before approving the Final EIR, when the EIR identifies significant environmental impacts that may result from a project. The purpose of the Findings is to establish the link between the contents of the Final EIR and the action of the Lead Agency with regard to approval or rejection of the Project. Prior to approval of a project, one of three findings must be made, as follows:

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Environmental impacts may not always be mitigated to a less than significant level. When this occurs, impacts are considered significant and unavoidable. Since the City has concluded that the Project would result in significant and unavoidable effects, which are identified in the Draft EIR, and re-stated below, the City must adopt a “Statement of Overriding Considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which the City balances the benefits of the Project and the significant and unavoidable environmental impacts. Where the City concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, the City may find such impacts “acceptable” and approve the Project. The Facts and Findings document, including the “Statement of Overriding Considerations,” will be prepared under separate cover from this Final EIR.

D. Summary of Significant and Unavoidable Environmental Impacts in the Draft EIR

Tables ES-1, *Summary of Project Impacts, Mitigation Measures, and Design Features*, in the Executive Summary of the Draft EIR, provides a summary of impacts, mitigation measures, design features and impacts after implementation of the prescribed mitigation measures for the Project.

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe significant environmental impacts that cannot be avoided, including those effects that can be mitigated but not reduced to a less than significant level. As shown in Table ES-1 and as analyzed in Chapter 4.G, Noise, of the Draft EIR, cumulative off-site traffic-related noise impacts would be significant and unavoidable for the existing residential uses in the surrounding area since no additional mitigation measures would be feasible (i.e., sound walls) along the existing roadways. Please refer to Chapter 4.G, *Noise*, of the Draft EIR for further discussion of this topic.

E. Contents of the Final EIR/EIR Organization

Final EIR

The Final EIR consists of the following four chapters:

Chapter 1, Introduction. This chapter describes the purpose of the Final EIR, provides a summary of the Project, describes the EIR public review process, and outlines the content of the Final EIR.

Chapter 2, Comments and Responses. This chapter presents comments received by the City during the 45-day public review period of the Draft EIR (March 7, 2017 through April 24, 2017), in addition to a comment letter from Riverside Highland Water Company (dated August 2015, 2017). Responses to these comments by the City are also provided within this chapter. The individual letters (or correspondence) with comments requiring responses are included within this chapter.

Chapter 3, Corrections and Additions to the Draft EIR. This chapter includes revisions to the Draft EIR that represent minor changes or additions in response to some of the comments received on the Draft EIR and additional edits to provide clarification. Changes to the Draft EIR are shown with ~~strikethrough~~ text for deletions and double underline text for additions. These changes are minor and do not add significant new information that would affect the analysis or conclusions presented in the Draft EIR.

Chapter 4, Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program (MMRP) is the document that will be used by the enforcement and monitoring agencies responsible for the implementation of the Project's mitigation measures and project design features (PDFs). Mitigation measures and PDFs are listed by environmental topic.

Draft EIR

This Draft EIR includes eight chapters as well as appendices, which are organized as follows:

Executive Summary. This section presents a summary of the Project and alternatives, potential impacts and mitigation measures, and impact conclusions regarding significant unavoidable adverse impacts and effects not found to be significant.

- 1. Introduction.** This chapter provides: background information on the Project; describes the purpose of the EIR; approach of the EIR; provides CEQA compliance information relative to the Project and the EIR; provides a brief overview of the environmental review process; identifies areas of controversy and issues to be resolved in the EIR; and outlines the organization of the EIR.
- 2. Project Description.** This chapter describes the Project location, Project details and the City's overall objectives for the Project.

3. **Basis for Cumulative Analysis.** This chapter provides a list and map of related projects anticipated to be built within the Project vicinity. The related projects serve as the basis for the cumulative analysis.
4. **Environmental Impact Analysis.** This chapter contains an analysis of the following environmental issues based on the findings in the Initial Study and Scoping process: (A) Aesthetics; (B) Air Quality; (C) Biological Resources; (D) Cultural Resources; (E) Greenhouse Gas Emissions/Global Climate Change; (F) Land Use/Planning; (G) Noise; and (H) Transportation/Traffic. Each section describes the regulatory and physical settings and evaluates the environmental impacts and cumulative impacts of each environmental issue area. If necessary, mitigation measures are provided and each section provides a summation of the level of significance after mitigation for each of the environmental issues.
5. **Alternatives.** This chapter evaluates the environmental effects of the Project alternatives, including the No Project Alternative, the Reduced Density Alternative, and the Existing Zoning Alternative. It also identifies the Environmentally Superior Alternative.
6. **Other CEQA Considerations.** This chapter includes a discussion of issues required by CEQA that are not covered in other chapters. These include unavoidable adverse impacts, impacts found not to be significant, irreversible environmental changes, potential secondary effects caused by the implementation of the mitigation measures for the Project, and growth inducing impacts.
7. **List of Preparers.** This chapter lists all of the persons, public agencies, and organizations that were consulted or contributed to the preparation of this EIR.

The Draft EIR includes the environmental analysis prepared for the project and appendices as follows:

Appendix A: Initial Study/Notice of Preparation/NOP Comment Letters

Appendix B: Air Quality Technical Appendix

Appendix C: Biological Resources Assessment

Appendix D: Cultural Resources Assessment

Appendix E: GHG Technical Appendix

Appendix F: Noise Technical Appendix

Appendix G: Traffic Impact Analysis

Appendix H: Energy Calculations

CHAPTER 2

Comments and Responses

A. Introduction

CEQA Guidelines Section 15088(a) states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the noticed comment period and any extensions.” In accordance with these requirements, this Chapter of the Final EIR provides responses to written comments received during the public comment period regarding the Draft EIR.

B. List of Commenters

A list of public agencies and private individuals who provided comments on the Draft EIR is presented below.

Letter A Santa Ana Regional Water Quality Control Board (April 20, 2017)

Wanda M. Cross, Chief, Regional Planning Programs Section

Letter B South Coast Air Quality Management District (April 21, 2017)

Lijin Sun, J.D., Program Supervisor, CEQA IGR

Letter C John Peukert (April 3, 2017)

Rialto Resident

Letter D Brunick, McElhaney & Kennedy: General Counsel to Riverside Highland Water Company (RHWC) (August 25, 2017)

Steven M. Kennedy

C. Responses to Comments

In accordance with CEQA Guidelines Section 15088, the City of Rialto, as the lead agency, evaluated the comments received in the above listed letters pertaining to the content within the Draft EIR for the proposed Pepper Avenue Specific Plan Project and has prepared the below responses to the comments received.

The individual letters with comments requiring responses are included within this section. Each letter in this section is assigned a letter (A, B, C, and D). Each comment within a letter that requires a response is bracketed and assigned a number, which is shown in the side margin. For example, the first letter from the Santa Ana Regional Water Quality Control Board is Letter A. The comments in that letter are labeled A-1 to A-16. Following each bracketed and numbered

letter, correspondingly numbered responses from the City are provided that address each of the comments. For Letter A, the responses include Response A-1 to A-16. Where responses result in a change to the Draft EIR, it is noted, and the resulting change is identified in Section 3.0, Corrections and Additions to the Draft EIR, of this Final EIR.



Letter A: Santa Ana Regional Water Quality Control Board



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

April 20, 2017

Gina Gibson, Planning Division
City of Rialto Development Services Department
150 South Palm Avenue
Rialto, CA 92376

Email g gibson@rialtoca.gov

DRAFT ENVIRONMENTAL IMPACT REPORT, PEPPER AVENUE SPECIFIC PLAN, PEPPER AVENUE AT SR-210, CITY OF RIALTO - SCH NO. 2016021047

Dear Ms. Gibson:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the Draft Environmental Impact Report (DEIR) for the Pepper Avenue Specific Plan (Project) in the City of Rialto. The Project site is located east of Eucalyptus Avenue and Frisbie Park, and it is bisected by Pepper Avenue. The proposed Project would be located on 101.7 acres of vacant floodplain west of Lytle Creek Wash and immediately south of State Route 210 (SR-210). An unnamed wash (referred to throughout this letter as "the wash") that is tributary to Lytle Creek surrounds the western and southern sides of the proposed Project site. Pepper Avenue was extended over the wash in 2013, with four culverts beneath the roadway allowing flows to continue toward Lytle Creek¹.

Most of the Project's nine Planning Areas (PAs) would entail business park and retail construction ("community commercial" uses) (DEIR Figure 2-4, Land Use Plan). East of Pepper Avenue, 116,000 square feet of retail space conceptualized within PA 1 and 2 (DEIR p.2-1, 2-11) could potentially be replaced by a residential development option (PA 3). The existing West Valley Water District's Lord Ranch reservoir, pump station, and production wells would remain on 13.7 acres in the southeastern corner (PA 4) of the Project site, south of PA 3. Other Planning Areas and their land uses are discussed below.

A-1

We recommend that the DEIR incorporate the following comments in order for the Project to best protect water quality standards (water quality objectives and beneficial uses), as defined in the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). Each numbered section of discussion constitutes one continuous comment:

¹ The Pepper Avenue extension across the wash was permitted, in part, by a Clean Water Act Section 401 Water Quality Standards Certification, File No.362008-15, issued by the Regional Board on 11/30/2011. The extension's projected ramp connections with SR-210, the "SR-210/Pepper Avenue New Interchange Project" was certified by the Regional Board (File No. 362015-28) on December 22, 2015.

1. The Wash – Waters of the State and Beneficial Uses

The Final EIR should reflect that the entire above-referenced wash constitutes waters of the state, if not waters of the U.S. The width of the wash is limited by distinct western and eastern boundaries, as defined by low banks and by the extent of intermediate-to-mature Riversidean Alluvial Sage Scrub (RAFSS). RAFSS is dependent on sheetflow for seed distribution across a wash or alluvial fan. Although historical flow from upstream of this wash is now largely cut off by the SR-210 and only enters from a culvert at the northwestern end of the wash, Board staff believes that direct heavy rainfall to the wash, along with runoff from the surrounding area, will provide substantial sheetflow and replenishment to this ecosystem. The eastern boundary of the wash is followed by the western limits of PA 5 and PA 6 and it exhibits an abrupt change in vegetation from disturbed grassland (PA 5/6) outside of the wash to RAFSS within the wash, in PA 7 (5.4 acres), PA 8 (0.9 acre), and PA 9 (29.5 acres) (Figures 2-4, 4.C-2, and throughout the Biological Resources Assessment (BRA)).

A-2

The beneficial uses (BUs) readily identifiable for this wash are Rare, Threatened, or Endangered Species (RARE), Wildlife Habitat (WILD), Non-Contact Water Recreation (REC2), and Groundwater Recharge (GWR). These are a subset of the beneficial uses adopted by the Regional Board for Lytle Creek and are applicable to its tributaries according to the Basin Plan.

A-3

In particular, the RARE BU is established for the wash through its demonstration as habitat for listed state and federal species. A May 2006 plant survey (DEIR p.4.C-11; BRA p.10) found that the Project site's RAFSS has included numerous individuals of a federally endangered plant species, the Santa Ana River woollystar (*Eriastrum densifolium* ssp. *sanctorum*). Further, the federally endangered San Bernardino kangaroo rat (SBKR) (*Dipodomys merriami parvus*) has been trapped during separate 2006 surveys in the wash (DEIR p. 4.C-12; BRA p.39). BRA p.53 states that this wash is within critical habitat for SBKR, as designated by the U.S. Fish and Wildlife Service (USFWS). Four other animals listed as Species of Special Concern (SSC) were observed within the Project site during related surveys (BRA p.36, 39; DEIR p.4.C-11): the coast horned lizard (*Phrynosoma blainvillii*), the loggerhead shrike (*Lanius ludovicianus*), the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), and the San Diego black-tailed jackrabbit (*Lepus californicus bennettii*).

A-4

Two other SSC, the burrowing owl (*Athene cunicularia*) and the orange-throated whiptail lizard (*Aspidoscelis hyperythra*), have a low-to-moderate potential for occurrence onsite although neither have been directly observed onsite (p.4.C-12; BRA p.40-42). The whiptail lizard, which frequents washes and RAFSS habitat, was observed in 2014 immediately north of the Project site in RAFSS, during a survey for the SR-210/ Pepper Avenue New Interchange Project. A statement on DEIR p.4C-24 that the 28 special status species known to be in the Project vicinity (BRA Appendix D) are not considered to have a potential to occur onsite appears to contradict the above observations of wildlife, and therefore this statement should be modified or removed.

A-5

In summary, a federally endangered plant and animal species and four other special status animal species have been observed onsite, with two more special status species possibly extant onsite. In Board staff experience, such support of the RARE BU by ephemeral waters, throughout a small habitat block such as this peninsular corridor from Lytle Creek, is unusual. The Regional Board may assert jurisdiction for the entire width of washes,

A-6

undefined channels, and other waters of the state where such width is associated with ephemeral flows and a healthy RAFSS community supporting BUs. In any such case, wider Regional Board jurisdictional area may exceed the channel widths of more linear water bodies delineated for the U.S. Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife (CDFW). For this Project, Board staff consider the extent of RARE to match the width of the wash, as indicated by defined banks and vegetation; we consider that the onsite acreage of the wash (35.8 acres, BRA p.6) completely encompasses and exceeds the dimensions of the water bodies delineated in the DEIR (p. 4.C-15-19; Figure 4.C-3)2.

A-6
(cont.)

2. Project Scenarios and Impacts

The DEIR objectively offers two Project alternatives ("Scenarios 1 and 2") focused on either no construction, or construction, within the wash (BRA p.5).

A-7

Scenario 1 would limit development to the eastern boundary of the wash (western limits of PA 5 and 6 as noted above). Planning Area 9, which occupies 29.5 acres of the wash within the Project site west of Pepper Avenue, and includes the above-referenced jurisdictional areas, would be dedicated by the Project as open space (BRA p. 6). Under Scenario 1, Planning Areas 7 and 8 also within the wash (a combined 6.3 acres west of PA 5/6) would not be developed as a proposed "community commercial overlay." PA 7 and PA 8 would be combined with PA 9 to allow all 35.8 acres of the onsite wash area to "be preserved as open space" and "set aside in perpetuity for avoidance and long-term preservation of habitat and species" (DEIR p.4C-22).

A-8

Scenario 2 would construct the additional buildings of the community commercial overlay, within the 6.3 acres of PA 7 and PA 8 that would be added to the construction footprint. The footprint would cross the wash as far as the eastern side of Drainage A but not fill these waters of the U.S. We note that the DEIR proposes detailed mitigation to accompany this construction, including the regeneration of known woollystar that would be lost to the Project. This 6.3 acres of RAFSS in the wash represents potentially occupied habitat for listed sensitive species that would be graded and built upon. Board staff believes that future construction, runoff, and edge effects from Scenario 2 are very likely to have adverse impacts to Drainage A.

We note that under either Scenario 1 or 2, the waters of the U.S. and state delineated by the DEIR (Footnote 2) would not be filled (DEIR p.6). No impacts to acreages or LF of these waters are projected by the DEIR. Again, Board staff recognizes 6.3 acres of waters of the state to be removed by Scenario 2.

A-9

Under either Scenario, a pedestrian bridge elevated over the wash would connect the Project to Eucalyptus Avenue and contain educational signage about RAFSS. Under Scenario 2, the bridge would meet the western edge of developed PA 7 (300 feet long) on the eastern side of Drainage A. Under Scenario 1, the bridge would span the entire wash and meet the western edge of developed PA 5 (700 feet long). Several footings and pilings within waters of the state/U.S. appear likely throughout either lengths of the bridge, and

² Drainage A, the intermittent stream extending from the headwall to Pepper Avenue (0.668 acre of non-wetland waters of the U.S.; 2,639 linear feet, or LF); Drainage A1 flowing to the headwall (0.005 acre of non-wetland waters of the U.S.; 111 linear feet), and a resultant marsh (0.023 acre of state wetland).

therefore the DEIR does anticipate the need for permitting and mitigating for this loss of small acreage, through either Waste Discharge Requirements or a Clean Water Act Section 401 Water Quality Standards Certification issued by the Regional Board.

A-9
(cont.)

3. Regional Board Regulation of the Project

The Final EIR should reflect that Board staff strongly believes that the Project may go forward only if Scenario 1 is implemented. Scenario 1, which would build outside of the wash except for the pedestrian bridge supports, should be adopted in the Final EIR as the Environmentally Superior Alternative. The specific basis for these statements is the Regional Board's mandate under the Porter-Cologne Water Quality Control Act (Water Code) to regulate adverse impacts to the RARE beneficial use (among other beneficial uses) posed by the Project's proposed construction within a water body (the onsite portion of the wash) that has been known to provide habitat for several state and federally listed sensitive species. We understand from the BRA (p.53) that the wash may contain critical habitat established pursuant to the state and federal Endangered Species Acts. From the Regional Board's standpoint, the additional 6.3 acres in the wash (PA 7 and PA 8) considered for construction under Scenario 2 should be avoided in order to avoid significant adverse impacts to the habitat and the RARE beneficial use.

A-10

Article 3 of the CEQA Regulatory Guidelines (Sections 15040-15042) provides authority to a public agency (Responsible Agency such as the Regional Board) to urge changes to a project under its purview. A Responsible Agency may disapprove a project in order to avoid direct or indirect environmental effects of that part of the project which the Responsible Agency would be called on to carry out or approve (Guidelines Section 15042). Therefore, as a permitting agency for this Project (at minimum, for impacts to state waters from the pedestrian bridge), Regional Board staff disapprove of the construction activity in the wash posed by Scenario 2 and we urge deployment of Scenario 1 as an alternative measure.

A-11

Further, Scenario 1 would observe the requests of the Regional Board for all projects, concurrent with CEQA, that impacts to the water quality standards of water bodies should first and foremost be avoided by development wherever possible. Where avoidance is not practicable, impacts to these waters should be minimized. If the Project does not encroach into the wash through the construction of Planning Areas 7 and 8, then permitting through the Regional Board for impacts to waters to the state is likely to pertain only to the footings and pilings of the pedestrian bridge.

A-12

Even if open-space dedication of all the onsite wash segment is a condition of the Pepper Avenue Specific Plan, the offsite wash segment south of the Project site would remain vulnerable to a future project. Board staff note that avoidance of this portion of the wash should also be arranged by any future project that would otherwise segment the wash and wildlife connectivity through the Pepper Avenue culverts. We recommend that an opportunity be taken, at this juncture of planning, to consult the owner of the remaining wash about preservation as well, so that the Pepper Avenue Specific Plan may include a goal of preserving the entire wash.

A-13

According to the DF HYDRO-2 and -3 mitigation measures (DEIR p.2-16, 2-21-22), surface runoff detention or retention basins are proposed for construction in the southernmost portions of the Project, on each side of Pepper Avenue (drainage systems in the northern

A-14

Project area may relieve much of the flow conveyed to each of these two basins). Each basin will discharge into the wash in compliance with the Final Water Quality Management Plan (WQMP) for the Project, in combination with maximized Low Impact Development (LID) Best Management Practices (BMPs) such as onsite infiltration (DEIR p.2-21). Board staff requests that both basins be sufficiently sized so that even during large rainfall events, flows may be released at a slow rate so as not to scour or otherwise hydromodify the wash.

A-14
(cont.)

Board staff recognize that PA2 and PA3, in the central portion of the site outside of the wash, contain 9.13 acres of blue elderberry stands (*Sambucus nigra ssp. caerulea*) (DEIR Table 4.C-1; Figure 4.C-1). These stands will be lost to the development. Blue elderberry is defined by the CDFW as a "special-status vegetation community" (DEIR p. 4.C-6). Because this species is not generally associated with water bodies, Board staff defer decisions on its loss and mitigation to the CDFW and USFWS.

A-15

In order to satisfy Project construction goals, Board staff have no objection to the Project exploring the acquisition of the wedge-shaped floodplain parcel located east of the Project's eastern boundary and west of Lytle Creek.

A-16

If you have any questions, please contact Glenn Robertson at (951) 782-3259 and Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-4468 and Wanda.Cross@waterboards.ca.gov

Sincerely,



Wanda M. Cross, Chief
Regional Planning Programs Section

cc: State Clearinghouse

Jeff Brandt, California Department of Fish and Wildlife, Ontario office – Jeff.Brandt@wildlife.ca.gov

Joanna Gibson, California Department of Fish and Wildlife, Ontario office – Joanna.Gibson@wildlife.ca.gov

Stephanie J. Hall, U.S. Army Corps of Engineers, Los Angeles - Stephanie.j.hall@usace.army.mil

Karin Cleary-Rose, U.S. Fish and Wildlife Service, Palm Springs office – Karin_Cleary-Rose@fws.gov

Bill Orme, State Water Resources Control Board, Bill.Orme@waterboards.ca.gov

Response to Letter A**Santa Ana Regional Water Quality Control Board**

Response to Comment A-1. The initial comment is introductory to the remaining comments submitted in the April 20, 2017 letter, in which the comment describes the Project as presented in the Draft EIR and recommends that the comments be incorporated into the Final EIR for protection of water quality within the Santa Ana River watershed. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-2. This comment requests that the Final EIR state that the onsite wash constitutes both waters of the State and waters of the U.S. The comment continues that the extent of Riversidean Alluvial Fan Sage Scrub (RAFSS) within low drainage banks of the wash defines the extent of the waters of the State and U.S. although historic flows have been largely cut off by the SR-210 and only enters from a culvert at the northwestern end of the wash.

The Clean Water Act within which waters of the U.S. are defined is discussed in Section 4.C.2.a.(1) of the Biological Resources chapter of the Draft EIR. Although waters of the state are not defined in the Draft EIR, the Draft EIR acknowledges that waters of the U.S. and waters of the State are under the jurisdiction of the United States Army Corps of Engineers (USACE), the Santa Ana Regional Water Quality Control Board (RWQCB) for the former and the California Department of Fish and Wildlife (CDFW) for the latter.

Jurisdictional features including waters of the state, which is referenced as CDFW jurisdictional streambed in the Draft EIR, are discussed in Chapter 4.C, Biological Resources, and are depicted in Figure 4.C-3, Jurisdictional Features. While the extent of the RAFSS onsite may represent the historical flows of the onsite drainages, SR-210 has modified those historic flows and no longer correspond to extent of the CDFW jurisdictional streambed.

Response to Comment A-3. This comment references the beneficial uses identified in the Lytle Creek component of the Santa Ana River Basin Plan adopted by the RWQCB, with which the City of Rialto concurs. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-4. This comment discusses the special-status species occurring within the Pepper Avenue Specific Plan area, as documented in the Draft EIR. The Draft EIR acknowledges the presence of special-status biological resources for which mitigation measures are provided in Section 4.C.4 to reduce impacts to these resources. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-5. This comment references two species of special concern, the burrowing owl (*Athene cunicularia*) and the orange-throated whiptail lizard (*Aspidoscelis hyperythra*). The comment states that the orange-throated whiptail lizard was observed in 2014 immediately north of the Project site and based on that observation, the Draft EIR statement that 28 special-status species recorded in the vicinity of the Project site do not have potential for occurrence on the Project site is contradicted.

The Draft EIR statement regarding 28 of 51 special-status wildlife species reported from vicinity of the Project site having no potential to occur on the Project site is accurate as the two species of special concern, burrowing owl and orange-throated whiptail lizard are not included in the 28 species with no potential. The reason why the 28 special-status species are considered to have no potential to occur on the Project site is because either habitat suitable to the species is absent from the Project site – for example, the arroyo chub (*Gila orcutti*) has no potential to occur because there is no slow flowing stream – or the Project site is located outside of the known distribution of the species – as an example, the southern rubber boa (*Charina umbratica*) has no potential to occur because the species is found in mountain habitats of the San Bernardino and San Jacinto Mountains, which are located northeast and southeast of the Project site. Therefore, no change to the statement in the Draft EIR is necessary.

Response to Comment A-6. This comment concludes that the presence of six special-status species with the potential for two additional such species makes the Project site unusual and as a consequence the RWQCB may assert jurisdiction over the entire wash area of the Project site. The comment states that because of the presence of the number of special-status species, RWQCB staff consider the 35.8 acres of wash to be jurisdictional and exceeds the delineation presented in the Draft EIR.

The comment is noted. The Draft EIR states that the Project site contains a total of approximately 2,750 linear feet of streambed associated with 0.673 acre of USACE/RWQCB “waters of the U.S.”, 0.023 acre of USACE/RWQCB “wetlands”, and 4.822 acres of CDFW jurisdiction (“waters of the state”). These jurisdictional areas have been determined in the standard methodology required by these regulatory agencies and a more current delineation may be required at the time any regulatory permits are processed. The Biological Resources Assessment, Appendix C of the Draft EIR, described the methodology used for the jurisdictional determination. “All areas were delineated using the protocol stipulated by the CDFW under Section 1600-1607 of the California Fish and Wildlife Code and by the USACE under Section 404 of the Clean Water Act (CWA). Any wetlands were delineated using the procedures stipulated in the USACE Wetland Delineation Manual (Environmental Laboratory, 1987) and Arid West Supplement (USACE, 2008a and USACE, 2008b).”

Response to Comment A-7. This comment discusses the Project alternatives (Scenarios) present in the Draft EIR and Pepper Avenue Specific Plan. Scenario 1 would preserve the 35.8 acres of the wash as open space in perpetuity. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-8. This comment describes Scenario 2, as present in the Draft EIR, within which Planning Areas 7 and 8 would allow development for commercial uses. The construction footprint would extend to the eastern side of Drainage A but avoid filling of waters of the U.S. The comment indicates that the construction, urban runoff and edge effects from the future development would cause adverse impacts to Drainage A. The comment concludes that Scenario 2 would impact 6.3 acres of waters of the state.

In Section 3 of Chapter 4.C, Biological Resources, the Draft EIR acknowledges that development of the Project would result in adverse impacts to special-status species, especially under Scenario 2 with development in Planning Areas 7 and 8. As a consequence of these potentially significant impacts, the Draft EIR proposes a number of mitigation measures in Section 4 of Chapter 4.C Biological Resources to reduce impacts to less than significant. These mitigation measures address impacts to sensitive plant communities, jurisdictional drainages, and special-status species including Santa Ana River woollystar, San Bernardino kangaroo rat, and burrowing owl.

The jurisdictional determination in the Draft EIR recognizes 4.822 acres of CDFW jurisdiction (“waters of the state”). Impacts to jurisdictional features will be mitigated in accordance with Mitigation Measure BIO-8 and the approval conditions associated with any regulatory permits in compliance with state and federal regulations.

Response to Comment A-9. This comment discusses the proposed pedestrian bridge over the wash and the impacts associated with construction of the bridge, including the need for regulatory permitting by USACE, RWQCB and CDFW. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-10. The comment addresses the opinion of the RWQCB staff that only Scenario 1 may be implemented because this Project design avoids construction within the wash. The comment continues that implementation of Scenario 2 would cause significant adverse impacts to special-status biological resources, which inconsistent with the Porter-Cologne Water Quality Control Act.

This comment is acknowledged and will be provided to the decision makers. The Draft EIR describes the potential significant impacts associated with commercial development within Planning Areas 7 and 8, for which mitigation will be required in addition to compliance with the regulatory permitting procedures. In addition, storm water drainage facilities and flows within the Project site would require that each private development be consistent with State and City requirements for storm water conveyance to convey storm flows, detain/retain peak storm events, and maintain water quality.

Response to Comment A-11. This comment describes the authority of responsible agencies to disapprove a project to avoid environmental effects over the portion of the project over which the responsible agency has jurisdiction. The comment continues in providing the opinion that RWQCB staff disapprove of Scenario 2 because of the proposed development within the wash of Planning Areas 7 and 8.

This comment is acknowledged and will be provided to the decision makers. The Draft EIR has analyzed the environmental effects of the proposed Project, including both Scenarios 1 and 2. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-12. This comment indicates the Scenario 1 design is consistent with the RWQCB standard that water quality impacts to water bodies should be avoided. Because Scenario 1 does not propose development in Planning Areas 7 and 8, avoiding impacts to the wash with the exception of the footings and pilings of the pedestrian bridge.

This comment is acknowledged and will be provided to the decision makers. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-13. This comment discusses the area south of the Project site, which is not part of the proposed Project or within the boundaries of the proposed Specific Plan. The comment recommends that the wash south of the Project site be preserved in addition to the wash within the Pepper Avenue Specific Plan area.

This comment is acknowledged and will be provided to the decision makers. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-14. This comment refers to the Project design features DF HYDRO-2 and DF HYDRO-3, including the proposed retention/detention basins on either side of the southernmost portion of Pepper Avenue. The comment recommends that the basins be sized to accommodate large rainfall events and flows to be released at a slow rate.

This comment is acknowledged. As part of the Initial Study/Notice of Preparation for this Project, Fuscoe Engineering prepared a Drainage and Water Quality Assessment Study. On pages 16 through 21, this Study indicates a Low Impact Development (LID) approach for hydromodification, performance criteria, and other standards related to capturing runoff from large rainfall events. As the Project progresses, each applicable future development involving new construction will be required to develop a Water Quality Management Plan (WQMP), as indicated in DF HYDRO 2. The WQMP will need to demonstrate a future development's compliance with applicable hydromodification storage and discharge requirements.

Response to Comment A-15. This comment references the presence of blue elderberry stands within the central Planning Areas 2 and 3. The comment acknowledges this habitat as a sensitive plant community but defers comment to trustee agencies such as CDFW.

This comment is acknowledged and will be provided to the decision makers. Impacts to blue elderberry stands is addressed in Section 3 of Chapter 4.C, Biological Resources, and were found to be less than significant. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment A-16. This comment states that RWQCB staff have no objection to exploring the potential acquisition of the wedge-shaped floodplain parcel located east of the Project's eastern boundary and west of Lytle Creek.

This comment is acknowledged and will be provided to the decision makers. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.



South Coast Air Quality Management District

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City of Rialto – Development Services, Planning Division
150 South Palm Avenue
Rialto, CA 92376

Draft Environmental Impact Report (DEIR) for the Pepper Avenue Specific Plan (State Clearinghouse No.: 2016021047)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final Environmental Impact Report (Final EIR).

Project Description

The proposed project consists of a 101.7-acre specific plan which allows for up to 275 multi-family dwelling units, 462,000 square feet of retail shopping center, 125,000 square feet of business park uses, 29.5 acres of natural open space, and 13.7 acres of water facilities, including water wells, a pump station, and a reservoir. The proposed project site is mostly vacant and undeveloped, and it is located south of the 210 Freeway and west of BNSF railroad. Construction is expected to begin in 2017, and the build-out year would be 2035.

B-1

Air Quality and Health Risk Assessment (HRA) Analyses

Based on the air quality analysis, the Lead Agency found that regional construction emissions would be less than significant after incorporating Mitigation Measure AQ-1. Additionally, the Lead Agency performed an HRA for “informational purposes [to] provide information to the City and applicant regarding health impacts and allow the applicant to make an informed decision about site planning and design” (see page 4.8-39 of the DEIR). The Lead Agency found that the potential Maximum Exposed Individual (MEI) is 217 Carcinogenic Risk in one million which is significantly greater than the SCAQMD’s CEQA significance threshold of 10 in one million (see Table 4.B-16 on page 4.B-38 of the DEIR). The SCAQMD staff has concerns about the proposed project’s potential health impacts to on-site sensitive receptors. Additional details are included in the attachment. The attachment also includes a discussion of recommended changes to the existing Mitigation Measure AQ-1 and proposes new mitigation measures which the Lead Agency should implement to further reduce NOx and PM2.5 emissions from construction and health impacts during operation.

B-2

B-3

Incomplete Air Quality and HRA Documentation for Review

The DEIR for the proposed project was released for public review and comments beginning on March 7 through April 24, 2017. However, the electronic versions of air quality modeling and HRA files, including original emission calculation spreadsheets and air dispersion modeling files (not PDF files) were not provided to SCAQMD staff for review. On January 29, 2016¹, the SCAQMD staff provided comments on the Notice of Preparation (NOP) for the proposed project, where the SCAQMD staff requested the Lead Agency send with the DEIR all of the air quality modeling, health risk assessment files, and original

B-4

¹ SCAQMD NOP Comment Letter, dated January 29, 2016. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2016/january/noppepperave.pdf>

emission calculation spreadsheets in electronic versions to the SCAQMD for review. Further, in the same comment letter on the NOP for the proposed project, SCAQMD staff stated that without all files and supporting air quality documentation, the SCAQMD staff would be unable to complete its review of the air quality analysis in a timely manner, and that any delays in providing all supporting air quality documentation would require additional time for review beyond the end of the comment period. As such, it is recommended that the Lead Agency extend the comment period to allow for additional review.

B-4
(cont.)

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final EIR. Further, when the Lead Agency makes the finding that the recommended mitigation measures are infeasible, the Lead Agency shall describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

B-5

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, CEQA IGR Section, at (909) 396-2448, if you have any questions regarding the enclosed comments.

B-6

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS:JC
SBC170310-01
Control Number

ATTACHMENT**Compliance with SCAQMD Rule 403(e)**

1. Since the proposed project is considered a large operation on a 101.7-acre site (50 acres or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin, the Lead Agency is required to comply with SCAQMD Rule 403(e) – Additional Requirements for Large Operations². The requirements may include, but not limited to, Large Operation Notification (Form 403N), appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class³. Therefore, the Final EIR should contain a detailed description to demonstrate compliance with SCAQMD Rule 403(e).

B-7

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

2. The SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. The SCAQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

B-8

Numerous health studies have demonstrated potential adverse health effects associated with living near highly travelled roadways. In traffic-related studies, the additional non-cancer health risk attributable to proximity is seen within 1,000 feet and is strongest within 300 feet⁴. California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet⁵. As a result of these studies, the CARB developed a Land Use Handbook⁶ that recommends avoiding new sensitive land uses (such as housing) within 500 feet of a freeway. Additional research has shown that the near roadway environment also contains elevated levels of many pollutants that adversely affect human health, including some pollutants that are unregulated (e.g., ultrafine particles) and whose potential health effects are still emerging⁷.

B-9

Notwithstanding the court rulings, the SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing, mitigating, and disclosing the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive populations within close proximity

B-10

² SCAQMD Rule 403. Last amended June 3, 2005. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

³ SCAQMD Compliance and Enforcement Staff Contact Information for Rule 403(e) Large Operations is (909) 396-2608 or by e-mail at dustcontrol@aqmd.gov.

⁴ California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: <http://www.arb.ca.gov/ch/landuse.htm>.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ See Chapter 9 of the 2012 AQMP for further information. Accessed at: <http://www.aqmd.gov/aqmp/2012aqmp/Final-February2013/Ch9.pdf>.

of freeways or other sources of air pollution, the SCAQMD staff will continue to recommend that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

B-10
(cont.)

Limitations of the Air Filtration Systems

3. On page 4.8-38 of the DEIR, the Lead Agency discusses the use of air filtration systems with filters meeting or exceeding the ASHRAE 52.2 Minimum Efficiency Reporting Value (MERV) of 8 or higher for sensitive uses. The SCAQMD staff believes that there are limitations to enhanced filtration units. The Lead Agency should consider the limitations of MERV filters on housing residents. For example, in a study that SCAQMD conducted to investigate filters⁸ similar to those proposed for this project, costs were expected to range from \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the resident. Filters are assumed to operate 100 percent of the time while residents are indoors and does not account for the times when the residents have their windows or doors open or are in common space areas of the project. MERV filters are effective in improving indoor air quality as compared to lower efficiency filters for PM10 and PM2.5 but they have no ability to filter out any toxic gasses from vehicle exhaust. The presumed effectiveness and feasibility of air filtration systems should therefore be evaluated in more detail prior to assuming that they will sufficiently alleviate near roadway exposures. Therefore, the SCAQMD staff recommends that the Lead Agency evaluate the effectiveness of MERV of 8 and include a discussion on the effectiveness of this in the Final EIR.

B-11

Recommended Changes to Existing Mitigation Measure AQ-1

4. The DEIR includes Mitigation Measure AQ-1, which requires the preparation of future study when all construction equipment cannot meet the Tier 4 engine certification. Based on a review of the air quality analysis, SCAQMD staff found that Tier 4 for all construction equipment was used to calculate NOx and PM2.5 construction emissions as substantial evidence to support the finding that construction emissions after incorporating Mitigation Measure AQ-1 would not exceed the SCAQMD's CEQA thresholds of significance. Additionally, CEQA requires that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (Public Resources Code Section 21081.6 (b) and CEQA Guidelines Section 15126.4 (a)(2)). To ensure that construction impacts from NOx and PM2.5 emissions are adequately mitigated, and to be consistent with the air quality modeling assumption, the SCAQMD staff recommends that the Lead Agency commits to using Tier 4 for all construction equipment throughout the entire construction phase. In the event Tier 4 engine certification is found not feasible, the SCAQMD staff recommends revising Mitigation Measure AQ-1 as follows and including the revised Mitigation Measure AQ-1 as a mandatory condition in the project's Contractor Agreement.

B-12

Mitigation Measure AQ-1: All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies other that reductions in the daily NOx and PM2.5 emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include, but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner

⁸ This study evaluated filters rated MERV 13+ filters. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>.

vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously. | B-12
(cont.)

Additional Mitigation Measures

Technology Review

5. Given that the construction phase for the proposed project would take approximately 18 years, SCAQMD staff believes that the Lead Agency should take this opportunity to deploy the lowest emission technologies possible by requiring a review and implementation of new, feasible lower-emission technologies every two years as part of the future study prescribed in Mitigation Measure AQ-1, and include it as a new mitigation measure in the Final EIR. This deployment should include those technologies that are “capable of being accomplished in a successful manner within a reasonable period of time” (Public Resources Code §21061.1), such as zero and near-zero emission technologies that are expected to be available during the life of the project. A technology review that is performed every two years will allow the Lead Agency to assess equipment availability, equipment fleet mixtures, and best available emissions control devices. Additionally, to ensure that the biennial technology review is enforceable during the eighteen-year construction phase, the SCAQMD staff recommends that the Lead Agency include the biennial technology review in the project contract agreement, including the Contractor Agreement. Furthermore, when a new emission control technology is found to be feasible and would substantially reduce air emissions, but the Lead Agency declines to implement such technology, a subsequent EIR shall be prepared (CEQA Guidelines Section 15162(a)(3)(C)). | B-13

Construction Mitigation Measures

6. The SCAQMD staff recommends that the Lead Agency include in the Final EIR additional mitigation measures provided below to further reduce emissions from NOx and PM2.5 during construction. | B-14

- a) Include in all construction contracts the requirement to use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). In the event that that 2010 model year or newer diesel trucks cannot be obtained, provide documentation as information becomes available and use trucks that meet EPA 2007 model year NOx emissions requirements. | B-15
- b) Enter into a contract that notifies all vendors and construction contractors that vehicle and construction equipment idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 - CARB’s Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle’s operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers understand the vehicle and construction equipment idling requirement, post signs at each facility entry gates stating idling longer than five minutes is not permitted. | B-15
- c) Employ on-road heavy-duty diesel trucks or equipment with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater that complies with EPA 2007 on-road emission standards for PM and NOx (0.01 gram per brake horsepower - hour (g/bhp-hr) and at least 0.2 g/bhp-hr, respectively). | B-16
- d) Maintain vehicle and equipment maintenance records for the construction portion of the proposed project. All construction vehicles must be maintained in compliance with the manufacturer’s recommended maintenance schedule. The Lead Agency will maintain their construction equipment and the construction contractor will be responsible for maintaining their equipment and maintenance records. All maintenance records for each facility and their construction contractor(s) will remain on-site for a period of at least two years from completion of construction. | B-17

- e) Conduct a survey of the proposed project construction area(s) to assess whether the existing infrastructure can provide access to electricity, as available, within the facility or construction site, in order to operate electric on-site mobile equipment. For example, each project applicant, project sponsor, or public agency and/or their construction contractor(s) will assess the number of electrical welding receptacles available. B-18
- f) Construction areas within the facility or construction site where electricity is and is not available must be clearly identified on a site plan. The use of non-electric onsite mobile equipment shall be prohibited in areas of the facility that are shown to have access to electricity. The use of electric on-site mobile equipment within these identified areas of the facility or construction site will be allowed. B-19
- g) Include in all construction contracts the requirement that the use of non-electric on-site mobile equipment is prohibited in certain portions of the facility as identified on the site plan. Maintain records that indicate the location within the facility or construction site where all electric and non-electric on-site mobile equipment are operated, if at all, for a period of at least two years from completion of construction. B-20
- h) Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow. B-21
- i) Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site. B-22
- j) Re-route construction trucks away from congested streets or sensitive receptor areas. B-23
- k) Coordinate with the local city to improve traffic flow by signal synchronization in the area near the construction site. B-23
- l) Ensure that drivers understand that traffic speeds on all unpaved roads will be limited to 15 mph or less. In addition, post signs on all unpaved roads indicating a speed limit of 15 mph or less. B-24
- m) Schedule construction activities that affect traffic flow on the arterial system to occur during off-peak hours to the greatest extent practicable. B-25
- n) If and when winds speeds exceed 25 mph, suspend all excavating and grading activities and shall record the date and time when the use of construction equipment associated with these construction activities are suspended. This log shall be maintained on-site for a period of at least two years from completion of construction. B-26
- o) If and when any first stage smog alert occurs, record the date and time of each alert, suspend all construction activities that generate emissions, and record the date and time when the use of construction equipment and construction activities are suspended. This log shall be maintained on-site for a period of at least two years from completion of construction. B-27
- p) Coordinate with the construction contractor to site parking areas to minimize interference with roadway traffic. B-28
- q) Evaluate the use of alternate fuels for on-site mobile construction equipment prior to the commencement of construction activities, provided that suitable equipment is available for the activity. Equipment vendors shall be contacted to determine the commercial availability of alternate-fueled construction equipment. Priority should be given during the bidding process for contractors committing to use alternate-fueled construction equipment. B-29
- r) Include in all construction contracts the requirement to cover all haul trucks delivering or hauling away dirt, sand, soil, or other loose materials. B-30
- s) Require the construction contractor to install and use wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip to prevent drag-out. B-30
- t) Require the construction contractor to apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (e.g., previously graded areas inactive for ten days or more). B-30

- u) Require the construction contractor to replace ground cover in disturbed areas as quickly as possible to minimize dust. B-30
- v) Require the construction contractor to pave road and road shoulders. B-31
- w) Require the construction contractor to sweep streets at the end of the day using SCAQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads. In the event that water sweepers are used, recommend the use of reclaimed water by construction contractor. B-32

Construct Roadside Vegetative Barriers to Improve Near-Road Air Quality

7. Based on a review of the informational HRA in the DEIR, the SCAQMD staff is concerned about the significant adverse health impacts to on-site sensitive receptors as demonstrated in Table 4.B-16 on page 4.B-38 of the DEIR. As such, it is recommended that the Lead Agency use vegetative barriers as a measure to reduce near road air quality impacts to residents. For additional information on road side vegetation barriers, please visit: <https://www.epa.gov/air-research/recommendations-constructing-roadside-vegetation-barriers-improve-near-road-air-quality>. B-33

Require Setbacks of at least 500 feet as a Project Design Feature

8. Because of the significant adverse health risks from the proposed project, the SCAQMD staff recommends that the Lead Agency include in the project design feature setbacks of at least 500 feet between the residential development and the 210 Freeway to the north and the BNSF railroad to the west as recommended in the CARB's guidance document described above. B-34

Response to Letter B

South Coast Air Quality Management District

Response to Comment B-1. The Lead Agency acknowledges the comment from the South Coast Air Quality Management District detailing the Pepper Avenue Specific Plan Project Description and agrees that the description is accurate of the Project.

Response to Comment B-2. The Lead Agency appreciates the concern the SCAQMD has for potential health impacts to on-site sensitive receptors associated with implementation of the Project. As stated by the commenter, the Lead Agency performed a Health Risk Assessment (HRA), for informational purposes only, because the Project site is in close proximity to the 210 Freeway, BNSF Railroad and other Toxic Air Contaminant (TAC) sources. As shown in the Draft EIR, the cancer risk for carcinogenic exposures, from DPM emissions at the Project site resulted in a maximum carcinogenic risk of approximately 217 per one million for the 30-year residential exposure scenario. As acknowledged in the Draft EIR, the cancer risk is above the SCAQMD's CEQA significance threshold of 10 in one million.

The California Supreme Court, in *California Building Industry Association v. Bay Area Air Quality Management District*, Case No. S213478 (December 17, 2015), held that public agencies subject to CEQA are *not* required to analyze whether existing environmental conditions may impact a proposed project's future users or residents – also known as “reverse CEQA” or “CEQA in reverse” – as opposed to the more traditional analysis of a proposed project's impact on the environment, *unless*: 1) the proposed project risks exacerbating existing environmental hazards – in which case, it is the proposed project's impact on the environment not the environment's impact on the proposed project, which compels the evaluation; or 2) a reverse CEQA analysis is already required under statute, for example, on certain airport, school and housing projects.

The Draft EIR presented no determination of significance regarding TAC exposures to future residences, as a result of the HRA findings, since the Project site is subject to elevated TACs due to its existing environmental conditions (i.e. the 210 Freeway, BNSF Railroad, and other TACs). Since the Project would not exacerbate these risks, the Project is not required to analyze whether existing environmental conditions may impact a proposed project's future users or residents. Therefore, the Lead Agency conducted an HRA and presented its findings in the Draft EIR for informational and design purposes only. The Project isn't subject to the SCAQMD's CEQA cancer risk threshold for a determination on significance.

Response to Comment B-3. The Lead Agency acknowledges the attachment regarding recommended changes to Mitigation Measure AQ-1 and proposed new mitigation measures. The additional details in the attachment have been addressed separately as part of this letter. Please see Response to Comment B-7 through B-34.

Response to Comment B-4. The Lead Agency apologizes for not providing the SCAQMD with electronic versions of the air quality modeling and HRA files, including original emissions calculation spreadsheets and air dispersion modeling files, when they received the Draft EIR for review as they requested in their comment letter on the NOP for the Project. The Lead Agency

sent over the electronic versions of the files to the SCAQMD on April 24, 2017 for their review. As stated in the comment, the public review and comments period ran from March 7 through April 24, 2017. Since PDFs of the files were included in the Draft EIR for review, the Lead Agency will not be extending the comment period on the Project.

Response to Comment B-5. The Lead Agency will provide the SCAQMD with written responses to all comments contained in this letter and the attachment prior to the certification of the Final EIR pursuant to Public Resources Code Section 21092.5. If the Lead Agency finds that the recommended mitigation measures are infeasible, it will provide specific reasons for rejecting them in the Final EIR.

Response to Comment B-6. The Lead Agency thanks the SCAQMD staff for being available to work with them on these or any other questions that may arise.

Response to Comment B-7. The Lead Agency acknowledges that the Project would be considered a large operation for purposes of Rule 403 and will comply with Rule 403(e) – Additional Requirement for Large Operations. The appropriate changes will be made in the FEIR as shown below and in Chapter 3, Corrections and Additions to the Draft EIR.

Page 4.B-15, First Paragraph will be modified as follows:

It is mandatory for all construction projects in the SCAB to comply with SCAQMD Rule 403 for controlling fugitive dust. Incorporating Rule 403 into the Project would reduce regional PM₁₀ and PM_{2.5} emissions from construction activities. Additionally, the proposed Project would be considered a large operation under Rule 403 and would be required to comply with the measures outlined in Rule 403(e) – Additional Requirement for Large Operations. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas. Additional requirements under Large Operations for dust control include, but are not limited to, maintaining a soil moisture content at a minimum of 12 percent, conduct water as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction, apply water/dust suppressants to at least 80 percent of all inactive disturbed areas daily when there is wind driven fugitive dust emissions, establish vegetative ground cover within 21 days after active operations have ceased, water all roads used for any vehicular traffic to suppress dust, apply a chemical stabilizer to all unpaved road surfaces, and apply chemical stabilizer to open storage piles or apply water to 80 percent of the surface area of all open storage piles when evidence of wind driven fugitive dust. Contingency control measures for Large Operations include, but are not limited to, applying water to soil not more than 15 minutes prior to moving such soil, apply water with a mixture of chemical stabilizer to maintain a stabilized surface for a period of six months on the last day of active operations prior to a weekend, holiday, or when active operations will not occur for a period of four days or more, apply water or chemical stabilizer on unpaved roads and open storage piles, and cover all haul

vehicles or comply with freeboard requirements. Compliance with Rule 403 was accounted for in the construction emissions modeling. Site watering would reduce the particulate matter from becoming airborne, while washing of transport vehicle tires and undercarriages would reduce re-entrainment of construction dust onto the local roadway network.

Response to Comment B-8. The Lead Agency has reviewed the SCAQMD Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning and CARB's *Air Quality and Land Use Handbook: A Community Perspective* which addresses siting incompatible land uses. The Lead Agency will use these guidance documents as one of their tools in making a decision on the proposed Project.

Response to Comment B-9. The Lead Agency is aware that numerous health effects are associated with living near highly travelled roadways and CARB's recommendation to avoid siting new sensitive land uses within 500 feet of a freeway. The Project's land uses were sited with this distance taken into consideration. The proposed Project only allows residential within one 9.4-acre Planning Area (PA3). This Planning Area is located over 600 feet from the SR-210 right-of-way. Any other sensitive land uses such as nursing homes, child day care centers, hospitals, etc., are either prohibited or conditionally permitted within 500 feet of the SR-210, where additional analysis would be required to address any potential air quality impacts. Additionally, the Lead Agency had an HRA study conducted, for informational purposes, to aid in the decision-making process.

Response to Comment B-10. The Lead Agency acknowledges the SCAQMD concerns about siting sensitive populations within close proximity of freeways or other sources of air pollution. As discussed above, the Project plan does not include any residential units within 500 feet of the SR-210 freeway. Also, a HRA was conducted, for information purposes, and the results of the HRA provided information to the Lead Agency and the applicant regarding health impacts and will allow the applicant to make an informed decision about site planning and design. Currently, as shown in the HRA, the Project site's worst-case location would be exposed to cancer risk in excess of the SCAQMD significance threshold. It should be noted that the calculated cancer risk assumes no reduction measures, such as mechanical filtration, and full-time exposure with the windows open. Heating Ventilation and Air Conditioning (HVAC) typically requires mechanical filtration with a Minimum Efficiency Reporting Value (MERV) of 8 or higher. This would reduce typical indoor PM₁₀ concentrations up to 70 percent. Therefore, actual cancer risk impacts to on-site residents would be lower than those reported above. It should be noted that residential dwelling units would only be permitted on PA3, which is over 600 feet from the SR-210 right-of-way.

However, as a result of the HRA, the applicant and Lead Agency may implement additional reduction strategies at the time of Project design to further reduce health risk impacts. These reduction strategies could include, but are not limited to: additional filtration such as MERV 13 or higher which would reduce DPM concentrations at sensitive receptors by as much as 90 percent, final project design which places air intake vents farther away from the rail line to limit exposure to DPM; and inoperable windows to limit exposure to DPM.

Response to Comment B-11. The Lead Agency acknowledges the SCAQMD's concerns about the limitation of enhanced filtration units in the residences to reduce indoor air pollution and their use by residents. The Lead Agency conducted an HRA, for information purposes, and the results of the HRA provided information to the Lead Agency and the applicant regarding health impacts and will allow the applicant to make an informed decision about site planning and design. The HRA did not incorporate any reduction in air pollutants as a result of using enhanced filtration units. The Lead Agency has agreed to the reduction strategy of MERV 8. The Draft EIR does not state that enhanced filtration units will fully alleviate near roadway exposures, it states that MERV 8 would reduce PM₁₀ concentrations up to 70 percent.

Response to Comment B-12. The Lead Agency agrees with the changes to Mitigation Measures AQ-1 proposed by the SCAQMD. The appropriate changes will be made in the FEIR as shown below and in Chapter 3, Corrections and Additions to the Draft EIR.

Page 4.B-40, Mitigation Measure AQ-1 will be modified as follows:

Mitigation Measure AQ-1: All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NOx and PM_{2.5} emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include, but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Response to Comment B-13. The Lead Agency acknowledges that the SCAQMD would like the Lead Agency to require a review and implementation of new, feasible lower-emissions technologies every two years as part of the future study prescribed in Mitigation Measures AQ-1. However, Mitigation Measure AQ-1, in the Draft EIR, is sufficient to reduce Project construction emissions to less than significant levels with regard to SCAQMD thresholds. Therefore, no further mitigation measures or biennial technology review is required. Additionally, over the 18 years of the construction period, the construction fleet would need to adapt to emissions reduction rules and regulations and would emit less pollution in future years.

Response to Comment B-14. Contractors for the proposed Project are required to comply with CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation, which requires diesel trucks and buses be upgraded to 2010 model year engines by 2023. Nearly all trucks and buses will have 2010 model year engines or equivalent by 2023. The proposed Project will balance soil on-site, so will not require haul trucks. Trucks bringing supplies will comply with the requirements mentioned above. Construction is scheduled to take place over 18 years and fleets have already begun transitioning and within the first five years of construction most should be changed over to

the 2010 model year or newer. As the Project is in compliance with SCAQMD thresholds with implementation of mitigation measure AQ-1, this additional recommended mitigation measure is not necessary.

Response to Comment B-15. Idling time limited to a maximum of five minutes is a state regulation and no further action by the Lead Agency is necessary. All vendors and construction contractors are aware of this regulation and will comply. Thus, this additional recommended mitigation measure is not necessary.

Response to Comment B-16. The Project will balance soil onsite and isn't expected to have a significant number of haul trucks. Since on-road heavy-duty diesel trucks or equipment are not expected to be utilized, this additional recommended mitigation measure is not necessary.

Response to Comment B-17. Vehicle maintenance records will be maintained by the Contractors or construction fleet owners. As the Project does not exceed SCAQMD thresholds with incorporation of Mitigation Measure AQ-1, this additional recommended mitigation measure is not necessary.

Response to Comment B-18. The Project site is primarily undeveloped land with no existing infrastructure. Electricity is not readily available for use during construction. Therefore, a survey to determine access to electricity within the existing infrastructure is not needed. As the Project does not exceed SCAQMD thresholds with incorporation of Mitigation Measure AQ-1, this additional recommended mitigation measure is not necessary.

Response to Comment B-19. The Project site is primarily undeveloped land with no existing infrastructure. Electricity is not readily available for use during construction. Therefore, a plan where electricity is available for use would not be beneficial. As the Project does not exceed SCAQMD thresholds with incorporation of Mitigation Measure AQ-1, this additional recommended mitigation measure is not necessary.

Response to Comment B-20. The Project site is primarily undeveloped land with no existing infrastructure. Electricity is not readily available for use during construction. Therefore, a requirement of construction contracts that non-electric on-site mobile equipment is prohibited in certain portions of the facility as identified on a site plan is not needed. As the Project does not exceed SCAQMD thresholds with incorporation of Mitigation Measure AQ-1, this additional recommended mitigation measure is not necessary.

Response to Comment B-21. The Lead Agency will implement or require that the general contractor provide temporary traffic controls, such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, and as needed for safety. This additional recommended mitigation measure is not necessary.

Response to Comment B-22. The Lead Agency will implement or require dedicated turn lanes for movement of construction trucks and equipment on- and off-site as needed for safety. This additional recommended mitigation measure is not necessary.

Response to Comment B-23. Re-routing construction trucks away from congested streets or sensitive receptor areas is infeasible within the Project area as there is only one street to access the site. However, giving the adjacency to the freeway, trucks would not be on local streets for more than a half-mile. There is no need to coordinate with the local City regarding signal synchronization to improve traffic flow as there is only a short distance to the freeway. This additional recommended mitigation measure is not necessary.

Response to Comment B-24. As outlined in SCAQMD Rule 403, speeds on unpaved roads will be limited to 15 mph or less and signs will be posted. Therefore, this additional recommended mitigation measure is not necessary.

Response to Comment B-25. Construction activities that have the potential to affect traffic, will be scheduled to occur during off-peak hours to the greatest extent practicable. Therefore, this additional recommended mitigation measure is not necessary.

Response to Comment B-26. As required by Rule 403, all excavating and grading activities will be temporarily suspended if wind speeds are in excess of 25 mph.

Response to Comment B-27. As the Project does not exceed SCAQMD thresholds with incorporation of Mitigation Measure AQ-1, the additional recommended mitigation measure of suspending construction activities during a first stage smog alert is not necessary.

Response to Comment B-28. As required by the City Building Code and consistent with standard construction practices, all construction parking and staging will occur on-site and will not interfere with roadway traffic. Therefore, this additional recommended mitigation measure is not necessary.

Response to Comment B-29. As the proposed Project does not exceed SCAQMD significance thresholds with implementation of Mitigation Measure AQ-1, the use of alternative fuels for on-site mobile construction equipment does not have to be evaluated prior to commencement of construction activities. While alternative fuels and associated alternative-fueled equipment are available, they are not readily available and may not be feasible for Project implementation. The use of biodiesel would not decrease, and in fact may slightly increase NOx, the pollutant for which emissions exceed the regional threshold (Emissions of NOx contribute to the formation of ground-level ozone (smog), the South Coast Air Quality Basin is designated as non-attainment for the federal and state ozone standards). Therefore, biodiesel would not be feasible for this Project. Accordingly, this additional recommended mitigation measure is not necessary.

Response to Comment B-30. As outlined in SCAQMD Rule 403, all haul trucks that are delivering or hauling away dirt, sand, soil, or other loose material will be covered, wheel washers will be installed and used where vehicles enter and exit the construction site onto paved roads or trucks and equipment will be washed off to prevent drag-out, non-toxic soil stabilizers, mixed with water, will be applied to all inactive construction areas (previously graded) prior to a weekend, holiday or any other period when active operations will not occur for four or more consecutive days, and ground cover will be replaced in disturbed areas as quickly as possible to minimize dust or water will be applied to at least 80 percent of all inactive disturbed surface area

on a daily basis when there is wind driven fugitive dust or dust suppressants will be applied to control fugitive dust. As these are required under SCAQMD Rule 403, these additional recommended mitigation measures are not necessary.

Response to Comment B-31. Under SCAQMD Rule 403, it is not necessary to pave the road or road shoulders for large operations as long as all roads used for any vehicular traffic are watered at least once per every two hours of active operations or three times per normal 8 hour work day or water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour or apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface. As the proposed Project will comply with the requirements of SCAQMD Rule 403, therefore, this additional recommended mitigation measure is not necessary.

Response to Comment B-32. The Lead Agency will comply with SCAQMD Rule 403 requiring wheel washers be installed and used where vehicles enter and exit the construction site onto paved roads and/or trucks and equipment will be washed off to prevent drag-out. Compliance with Rule 403 will keep visible soil form being carried onto adjacent streets. Therefore, the street sweepers will not be necessary to sweep streets at the end of each day. As the proposed Project will comply with the requirements of SCAQMD Rule 403, this additional recommended mitigation measure is not necessary.

Response to Comment B-33. The Lead Agency appreciates the SCAQMD staff suggestion of using vegetative barriers as a measure to reduce near road air quality impacts to residents. Although roadside vegetative barriers are recognized as a method to reduce near road air quality impacts, there are many factors which influence the efficacy and appropriateness of vegetative barriers. Specifically, issues such as the type and number of vegetation required to be effective, seasonality of vegetation, waxy and/or hairy leaf surfaces, maintenance, water requirements, etc., must be considered. In addition, the choice of species must not emit compounds which can increase air pollution or allergic responses, and be resistant to air pollution and other traffic stressors. An effective barrier should consist of at least 33 feet of an uninterrupted vegetation thickness, be at least 16 feet tall, and should extend 164 feet or more beyond the area to be protected, or can wrap around and extend perpendicularly away from the roadway¹. If the vegetation cannot maintain its integrity (i.e. isn't maintained properly, not resistant to air pollution, water requirements, etc.) and gaps in the barrier form it can lead to increased pollutant concentrations downwind. Additionally, trees typically serve as a temporary retention site for particles which can be re-suspended to the atmosphere during high winds, washed off by precipitation, or dropped to the ground with leaf and twig fall² which can impact local air, water, and soil pollution. The vegetative barrier could also be a safety hazard to drivers along the freeway and/or Pepper Avenue if they block views or have the potential to fall on the freeway. Caltrans has implemented the following requirements for vegetative barriers: trees must be planted at least 30 feet from the edge of the traveled way, overhanging foliage must be 15 feet

¹ Sacramento Metropolitan Air Quality Management District, 2017. *Landscape Guidance for Improving Air Quality near Roadways*.

² Nowak DJ, Civerolo KL, Trivikrama Rao S, Gopal S, Luley CJ, E. Crane D. 2000. *A modeling study of the impact of urban trees on ozone*. Atmospheric Environment. Vol 34: pp. 1601-1613.

vertically from the pavement to the overhanging branches, vegetation must be planted at least 10 feet from fences, walls, ditches or drainage features, vegetation must not interfere with safety features such as shoulders, existing barriers, guardrails or signs and must not interfere with a driver's ability to see a continuous length of roadway, and a vegetative barrier must be maintained and managed in perpetuity by the entity responsible for planting.³ The Lead Agency may consider, but is under no obligation to implement, vegetative barriers as a further reduction strategy during the approval process and/or as part of the final Project design.

Response to Comment B-34. The Lead Agency appreciates the SCAQMD staff recommendation of including in the Project design setbacks of at least 500 feet between the residential development and the 210 Freeway to the north and the BNSF railroad to the west as recommended in CARBs guidance document. The proposed Project design complies with this recommendation as the residential development is located a minimum of 600 feet from the SR-210 right-of-way. Also, a HRA study conducted, for informational purposes, to aid in the decision-making process.

³ Sacramento Metropolitan Air Quality Management District, 2017. *Landscape Guidance for Improving Air Quality near Roadways*.

Letter C: Peukert
Pepper Avenue Specific Plan
April 3, 2017
Draft EIR Comment Card

Name: John Peukert

Address/Zip: 1550 Shirley Bright Rd

Email: _____

Questions/Comments: must resolve, noise + vibration, and visual pollution.

* Noise - 210, pepper, development, Ramps
Rail, current and future traffic.

C-1

Response to Letter C**John Peukert, Rialto Resident**

Response to Comment C-1. This comment raises general comments visual pollution (aesthetics) and noise/vibration. The commenter is referred to Chapter 4.A, Aesthetics, in the Draft EIR for an analysis of aesthetics impacts. As discussed therein, all impacts related to views/scenic vistas, aesthetics/visual character, and light and glare would be less than significant given compliance with Specific Plan's Design Guidelines and Development Standards, as applicable. Specifically, as indicated on page 4.A-11 of the Draft EIR, Appendix G of the CEQA Guidelines establishes levels of significance for aesthetic impacts. These thresholds relate to scenic vistas, scenic resources, the existing visual character of the site, and light and glare. As indicated in the above-referenced analysis, the Project will be developed in the foreground of any views of the mountains to the north and will not significantly impact these views. The Specific Plan includes development standards and design guidelines that regulate the aesthetic development of the existing vacant site. The Project site does not contain any scenic resources. Lastly, the light and glare impacts are reduced below a level of significance by requiring future developments to comply with requirements and design guidelines within the Specific Plan and Rialto Municipal Code.

The commenter is also referred to Chapter 4.G, Noise, for an analysis of noise and vibration impacts. As discussed therein, six (6) noise measurement locations were taken at the edges of the Project site. All locations had existing average noise levels less than 65dB with the exception of at the northeast edge of the WVWD Property (PA4), which had an existing average daytime noise level of 68dB. Table 4.G-9 of the Draft EIR indicates that noise from Project would not increase noise levels beyond the threshold identified in the City of Rialto General Plan (an increase in excess of 5dB). It is calculated the Project would the calculated noise levels by a maximum of 63.3dB when the Project initially opens. Therefore, the Project would not result in a significant operational noise impact.

The Draft EIR also describes the anticipated construction-related noise impacts to existing off-site and future on-site sensitive uses, and the analysis determined that the impacts would be less than significant and no mitigation is necessary.

Regarding vibration impacts, the vibration from construction activity is greatly reduced with distance. The Draft EIR states that the nearest dwelling unit is located approximately 200 feet from any of the Project's grading activities. It should be noted that this is a single residence located to the east of the Project site. As described on page 4.G-25 of the Draft EIR, the threshold for any significant impacts related to vibration is 0.035 inches per second (PPV) at the nearest off-site residential use. This is the level when vibration is perceptible to people. The nearest residence in San Bernardino is expected to receive a maximum velocity of 0.004 PPV as a result of Project construction activities. It should be noted that the neighborhoods located in the City of Rialto are located at least 800 feet from any construction activities and the vibration experienced in these homes would be much less than described above. Therefore, no significant impact will occur from Project construction activities.

However, as indicated on pages 4.G-27 through, 4.G-31, cumulative off-site traffic-related noise impacts would be significant and unavoidable for the existing residential uses in the surrounding area since no additional mitigation measures would be feasible (i.e., sound walls) along the existing roadways. As such, if the City of Rialto approves the Project, the City shall be required to cite their findings in accordance with Section 15091 of the CEQA Guidelines and prepare a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines.

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August 25, 2017

Gina M. Gibson, Planning Manager
Development Services Department
City of Rialto
150 S. Palm Avenue
Rialto, CA 92376

Re: Draft Program Environmental Impact Report
Pepper Avenue Specific Plan

Dear Ms. Gibson:

This office serves as General Counsel to Riverside Highland Water Company (“RHW”).

Pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code (“PRC”) Section 21000 et seq., and the Guidelines promulgated thereunder, California Code of Regulations (“CCR”) Section 15000 et seq., RHW submits the following preliminary comments to the City of Rialto (“Rialto”) as lead agency with respect to the Draft Program Environmental Impact Report (“DPEIR”) for Rialto’s Pepper Avenue Specific Plan (“Project”). These comments supplement those previously submitted by RHW and others in connection with the Project, all of which are incorporated herein by this reference.

D-1

1. **Inadequate Inter-Agency Consultation**

CEQA requires that the preparation and review of an environmental impact report (“EIR”) “should be coordinated in a timely fashion with the existing planning, review, and project approval process being used by each public agency.” CCR Section 15004(c). To help facilitate inter-agency coordination, PRC Section 21080.3(a) requires that the lead agency consult with all responsible agencies and trustee agencies before preparation of an EIR. However, Rialto has not adequately attempted to coordinate environmental input from all interested entities such as RHW. By failing to actively involve all parties in the determination of the proper scope and substance of the DPEIR, Rialto has failed to both fulfill its disclosure obligations under CEQA and to provide those agencies with an

D-2

opportunity to ensure the adequacy of the resulting DPEIR. Further, it is not possible to conclude whether the DPEIR incorporates the issues and concerns of those agencies or provides those agencies with sufficient information to carry out later discretionary actions under their authority which are associated with the proposed Project.

D-2
(cont.)

2. **Notice of Preparation**

The procedural device used to initiate interagency dialogue is the Notice of Preparation (“NOP”). PRC Sections 21080.4, 21092.2, 21092.3; CCR Section 15082(a). The NOP must be written so as to provide the agencies with sufficient information to enable them to make meaningful responses. The lead agency must consider any information or comments it receives during the period in which a draft EIR is being prepared. PRC Section 21082.1. Here, it is unclear whether Rialto has considered RHWC’s previous comments to the DPEIR. Therefore, Rialto has not satisfied the legal requirements of PRC Section 21082.1 as well as the guidelines set forth in CCR Section 15151 obligating Rialto to demonstrate “a good faith effort at full disclosure.”

D-3

3. **Content and Preparation of the DPEIR**

Based upon the comments reflected herein, RHWC believes that there is substantial evidence indicating that the DPEIR has failed to include “information relevant to the significant effects of the project, alternatives, and mitigation measures which substantially reduce the effects,” and has failed to disclose that information to other public agencies, interested persons, and organizations as required under CEQA. PRC Section 21003.1(b). As required by PRC Section 21002, “it is the policy of the State that public agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures available which would substantially lessen the significant environmental effects of such projects.” Based upon this requirement, Rialto is obligated to provide the public with an adequate EIR which fully and impartially discloses the Project’s potential impacts and, based upon a factual accounting of those effects, formulate effective measures to reduce or avoid those impacts. The DPEIR fails to demonstrate Rialto’s commitment to this mandate.

D-4

It is the intent of CEQA to serve as the means for assessing the environmental impact of proposed agency actions. However, as set forth above, the DPEIR both undermines the legitimacy of Rialto’s environmental and socioeconomic concerns and fails to offer an objective analysis of either the Project or its potential impacts. Therefore, the DPEIR is woefully insufficient in either facilitating informed decisionmaking by Rialto or fulfilling the minimum standards of adequacy under CEQA and the Guidelines adopted thereunder.

D-5

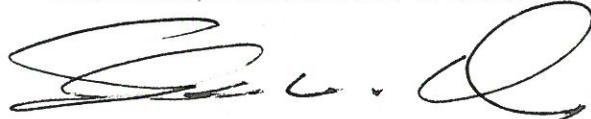
Gina M. Gibson, City of Rialto
August 25, 2017
Page 3

Further, RHWC requests that, pursuant to PRC Section 21091(d) and CCR Section 15002(j), Rialto consider and provide a detailed written response to all comments previously submitted, all comments included herein, and all future comments subsequently added by RHWC with respect to the Project, and that all of the above be included in the environmental review record for the Project. RHWC expressly reserves the right to submit additional comments to Rialto resulting from RHWC's further review of the DPEIR, RHWC's receipt of other comments thereto, and Rialto's responses to such comments, and/or to object to Rialto's approval of the Project based upon other areas of the law.

Rialto's anticipated consideration of these comments is greatly appreciated.

Very truly yours,

BRUNICK, McELHANEY & KENNEDY



Steven M. Kennedy

cc: Don Hough, RHWC General Manager

D-6

Response to Letter D**Riverside Highland Water Company**

Response to Comment D-1. The initial comment is introductory to the remaining comments submitted in the August 25, 2017 letter, in which the comment identifies Brunick, McElhaney & Kennedy as General Counsel to RHWC. This comment states that the comments herein supplement those previously submitted by RHWC and others in connection with the Project, all of which are incorporated herein by this reference. This comment does not specifically address the adequacy of the Draft EIR and no further response is necessary.

Response to Comment D-2. RHWC is the owner of Assessor's Parcel No. 026-909-120. This parcel is bounded on the west side by the Pepper Avenue Specific Plan area. It is bounded on the northeast by Lytle Creek and on the Southeast by the railroad. RHWC is not the water supply agency to the Project site, does not have discretionary approval power of the Project and is not considered to be a "Responsible Agency" per CEQA Guidelines Section 15381. The City provided direct notification to RHWC for the Notice of Preparation (NOP) and Notice of Availability of the Draft EIR for public review. RHWC provided an NOP comment letter, dated February 2, 2016. This comment letter was reviewed and considered during preparation of the Draft EIR. The comment letter indicated that the Specific Plan makes no provisions to extend public access and utilities to the RHWC property essentially land locking the property. No development plans have been submitted to the City for the RHWC property. The Pepper Avenue Specific Plan is a program-level document that covers multiple property owners and does not require or specify any design elements except for a minimum 400-foot long "town center" street off the Main Driveway for the Project. Another potential design element is a welcoming plaza at the terminus of the potential pedestrian bridge. However, this welcoming plaza would only occur on the west side of Pepper Avenue. All other design elements of the Project will be reviewed and analyzed with a future application, including the ability of the Project to provide a private, internal connection with the RHWC property.

It should be noted that the existing site access for the RHWC property does not occur within the Project boundaries. Existing access occurs just east of the Project site, approximately 12 feet east of the West Valley Water District property. As depicted below, the existing RHWC site access continues south through the Union Pacific Railroad's property, to N. Martin Road, which provides direct access to E. Baseline Road. Also, the RHWC property is currently zoned as the "Public Flood Control" (PFC) zone in the City of San Bernardino (the subject property is not within the City of Rialto boundaries). The purpose of the PFC zone is "to provide for the continuation, maintenance, and expansion of public flood control facilities" (Section 19.10.010.2.C of the City of San Bernardino Zoning Code). This existing zone does not allow for the establishment of new residential or retail uses. Since the existing site access does not occur within the Specific Plan area and no provisions within the Specific Plan prohibit RHWC's ability to secure an access and/or utility easement with the Project's property owners, no direct access to the RHWC property is necessary as part of the Specific Plan, as the property is not landlocked.



Image Source: Google Earth

In addition, this comment states that the City has not adequately attempted to coordinate environmental input from all interested parties. Contrary to the comment, the City provided notices to interested parties, including relevant agencies, during both the Initial Study and Draft EIR stages to solicit input and comments on the scope and environmental impacts associated with the Project.

Response to Comment D-3. Refer to Response D-2, above. The City reviewed and considered RHWC's NOP comment letter, dated February 2, 2016, during preparation of the Draft EIR. This comment does not specifically address the adequacy of the Draft EIR and therefore, no further response is necessary.

Response to Comment D-4. The commenter provides an opinion with respect to the environmental analysis in the Draft EIR, including general statements regarding mitigation measures and alternatives which would lessen the impacts of the project, but does not provide any evidentiary support for the assertions. (Pala Band of Mission Indians v. County of San Diego (1998) 68 Cal.App.4th 556, 580 [A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence]; CEQA Guidelines § 15384.) Because this comment provides no evidence that the analysis and conclusions contained in the Draft EIR are inadequate or inappropriate, no further response is necessary.

Response to Comment D-5. The commenter provides an opinion with respect to the environmental analysis in the Draft EIR, but does not provide any evidentiary support for the assertions. (Pala Band of Mission Indians v. County of San Diego (1998) 68 Cal.App.4th 556, 580 [A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence]; CEQA Guidelines § 15384.) Because this comment provides no evidence that the analysis and conclusions contained in the Draft EIR are inadequate or inappropriate, no further response is necessary.

Response to Comment D-6. Written responses to comments raised in an NOP comment letter are not required under CEQA. Rather, PRC Section 21091(d) requires NOP comments to be considered. RHWC's NOP comment letter was considered during preparation of Draft EIR as discussed under Response D-2. Written responses are required for comments on a Draft EIR, which are provided herein. Regardless, Response D-2 addresses RHWC's NOP comments regarding its property being potentially land-locked by the Specific Plan.

CHAPTER 3

Corrections and Additions to the Draft EIR

A. Introduction

This chapter provides changes and additions to the Draft EIR that have been made to clarify, correct, or add to the information provided in that document as a result of comments received on the document. These changes and additions are based on comments received on the Draft EIR during the public review. These changes do not add significant new information to the Draft EIR, nor do they result in new or more severe significant environmental impacts from the Project.

B. Corrections and Additions

Changes to the Draft EIR are indicated below under the respective EIR section heading. Deletions are shown with ~~strikethrough~~ and additions are shown with double underline.

Executive Summary

1. Page ES-7. Modify 1st paragraph with the following changes:

Mitigation Measure AQ-1: All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NOx and PM_{2.5} emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include, but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Air Quality

1. Page 4.B-15. Modify Mitigation Measure AQ-1 with the following changes:

It is mandatory for all construction projects in the SCAB to comply with SCAQMD Rule 403 for controlling fugitive dust. Incorporating Rule 403 into the Project would reduce regional PM₁₀ and PM_{2.5} emissions from construction activities. Additionally, the proposed Project would be

considered a large operation under Rule 403 and would be required to comply with the measures outlined in Rule 403(e) – Additional Requirement for Large Operations. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas. Additional requirements under Large Operations for dust control include, but are not limited to, maintaining a soil moisture content at a minimum of 12 percent, conduct water as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction, apply water/dust suppressants to at least 80 percent of all inactive disturbed areas daily when there is wind driven fugitive dust emissions, establish vegetative ground cover within 21 days after active operations have ceased, water all roads used for any vehicular traffic to suppress dust, apply a chemical stabilizer to all unpaved road surfaces, and apply chemical stabilizer to open storage piles or apply water to 80 percent of the surface area of all open storage piles when evidence of wind driven fugitive dust. Contingency control measures for Large Operations include, but are not limited to, applying water to soil not more than 15 minutes prior to moving such soil, apply water with a mixture of chemical stabilizer to maintain a stabilized surface for a period of six months on the last day of active operations prior to a weekend, holiday, or when active operations will not occur for a period of four days or more, apply water or chemical stabilizer on unpaved roads and open storage piles, and cover all haul vehicles or comply with freeboard requirements. Compliance with Rule 403 was accounted for in the construction emissions modeling. Site watering would reduce the particulate matter from becoming airborne, while washing of transport vehicle tires and undercarriages would reduce re-entrainment of construction dust onto the local roadway network.

2. Page 4.B-40. Modify Mitigation Measure AQ-1 with the following changes:

Mitigation Measure AQ-1: All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NOx and PM_{2.5} emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include, but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

CHAPTER 4

Mitigation Monitoring and Reporting Program

A. CEQA Requirements

Section 15091(d) and Section 15097 of the CEQA Guidelines require a public agency to adopt a program for monitoring or reporting on the changes it has required in the project or conditions of approval to substantially lessen significant environmental effects. This Mitigation Monitoring and Reporting Program (MMRP) summarizes the mitigation commitments identified in the Pepper Avenue Specific Plan Project (Project) Final Environmental Impact Report (EIR) (State Clearinghouse No. 2016021047) which constitutes the Responses to Comments and the Draft EIR.

The City of Rialto is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMRP. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Draft EIR and Final EIR (designated by the respective environmental issue within Chapter 4.0 of the EIR) are implemented thereby minimizing identified environmental effects. The MMRP also includes the proposed Project Design Features (PDFs) listed in Chapter 2.0, Project Description, and throughout Chapter 4.0 of the Draft EIR. The PDFs are specific design elements proposed by the Project that will be incorporated into the Project to prevent the occurrence of or to minimize the significance of potential environmental effects. Since PDFs have been incorporated into the Project, they do not constitute mitigation measures, as defined by Section 15126.4 of the State CEQA Guidelines (Title 14 of the California Code of Regulations). However, PDFs are included in this MMRP to ensure their implementation as a part of the Project. The Project would include PDFs related to: Aesthetics, Hazards and Hazardous Material, Hydrology and Water Quality, Traffic/Transportation, and Utilities and Service Systems.

The MMRP for the Project will be in place through all phases of the Project, including design (preconstruction), construction, and operation (both prior to and post-occupancy). The City of Rialto Development Services Department will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems.

Each mitigation measure and PDF is categorized by impact area, with an accompanying identification of:

- **Implementation Responsibility:** Identifies the project applicant, department within the City, or other entity responsible for implementing the mitigation measure.
- **Monitoring Responsibility:** Identifies the department within the City, project applicant, or consultant responsible for mitigation monitoring. However, until the mitigation measures are completed, the City of Rialto, as the CEQA Lead Agency, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the MMRP (CEQA Guidelines, Section 15097(a)).
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Compliance Verification Responsibility:** Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation.

MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
|--|---|--|--|--|
| Air Quality | | | | |
| AQ-1: All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NOx and PM2.5 emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include, but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously. | Project Applicant/Construction Contractor | City of Rialto Development Services Department, Building Division (building construction). | Referenced as a note on grading plans and building plans. Site inspection. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| Biological Resources | | | | |
| <i>Measures to Mitigate Potentially Significant Impacts to Special-Status Species:</i> BIO-1: Prior to and during construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following measures shall be implemented to minimize temporary direct and indirect effects to special-status plant and wildlife species: <ul style="list-style-type: none"> Construction limits shall be temporarily fenced prior to construction activities to avoid the inadvertent disturbance of areas adjacent to the construction limits. This fence shall be constructed as SBKR proof within alluvial fan sage scrub habitat (see Mitigation Measure BIO-2); A biological monitor shall be present during clearing and grubbing of the Project Site; All movement of construction contractors, including ingress and egress of equipment and personnel, shall be limited to the designated construction zones; Construction staging areas shall be located as far from the wash area as feasible; The use of rodenticides, herbicides, insecticides, or other | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications, including the preparation of a storm water pollution prevention plan and habitat mitigation and monitoring plan. If applicable, written evidence of completion of and compliance with requirements related to consultation with the CDFW. | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
|--|-------------------------------|---|---|--|
| <p>chemicals that could potentially harm special-status plant and animal species shall be prohibited;</p> <ul style="list-style-type: none"> • The proposed use and disposal of oil, gasoline, and diesel fuel shall be enforced; • Orientation meetings shall be conducted for construction personnel to review construction limits, conservation measures, and the locations of any listed species that must be avoided; and • Best Management Practices (BMPs) shall be implemented with a storm water pollution prevention plan to avoid and minimize impacts to biological resources outside of construction areas. | | | | |
| <p>BIO-2: Prior to construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following design features shall be implemented to minimize long-term indirect effects to San Bernardino kangaroo rat (SBKR) and the Santa Ana River woollystar (SARWS):</p> <ul style="list-style-type: none"> • The Project shall be designed to avoid Riversidean alluvial fan sage scrub habitat, where possible. • The pedestrian crossing shall be designed to minimize changes in the hydrology that could impact the ability of the SARWS to disperse or to establish in sandy soils created by scour, and also minimize the amount of habitat that could become less suitable for SBKR with reduced scour. • Water runoff from impervious surfaces shall be captured to ensure that the hydrological regime is not altered from the existing condition. Capturing the flows would also help reduce the number of road contaminants that enter the wash. • Temporary impact areas shall require a weed abatement program for approximately 5-years to ensure it remains suitable to SARWS and SBKR. | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications, including preparation of a weed abatement program. If applicable, written evidence of completion of and compliance with requirements related to consultation with the USFWS under Section 10 or Section 7 of the Federal Endangered Species Act. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| <p><i>Measures to Mitigate Potentially Significant Impacts to Santa Ana River Woollystar:</i></p> <p>BIO-3: Prior to any permanent or temporary direct impacts to the Santa Ana River woollystar (SARWS) and where avoidance of impacts through Project design is not possible, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Seeds from all the SARWS proposed for impacts shall be collected from the Project Site and deposited at the Rancho Santa Ana Botanic Garden. The seeds shall be collected in | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications, including the preparation of a habitat mitigation and monitoring plan. If applicable, written evidence of completion of and compliance with | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
|---|-------------------------------|---|---|--|
| <p>September before the first sizeable rain event (i.e. one of ½ inch or more) to increase the ability to collect the seeds and to ensure a high rate of germination.</p> <ul style="list-style-type: none"> The Rancho Santa Ana Botanic Garden shall divide the seeds for three uses: 1) for a permanent seed bank; 2) for germination and growing seedlings; and 3) to preserve for later seeding or authorized research purposes. The propagated seedlings and a portion of preserved seeds shall be replanted within any temporary impact areas once construction has ceased, and any permanent impacts to individual plants shall be replaced at a minimum 1:1 ratio within the proposed avoidance area (PA 9). Planting shall be conducted October to December or as close to the winter rainy season as possible. All replanting shall be conducted pursuant to an approved mitigation and monitoring plan prepared and overseen by a qualified biologist. The plan should include, at minimum, a map of the restoration areas, a description of any irrigation methodology, measures to control exotic vegetation, specific success criteria, a detailed monitoring program, contingency measures should the success criteria not be met, and 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. | | | requirements related to consultation with the USFWS under Section 10 or Section 7 of the Federal Endangered Species Act. | |
| <p><i>Measures to Mitigate Potentially Significant Impacts to San Bernardino Kangaroo Rat:</i></p> <p>BIO-4: Prior to construction within San Bernardino Kangaroo Rat (SBKR) critical habitat, which consists of Riversidean Alluvial Fan Sage Scrub (RAFSS), the project applicant shall purchase mitigation credits from the Vulcan Materials mitigation land bank in Cajon Wash or equivalent preserved SBKR RAFSS habitat to offset permanent impacts to occupied SBKR critical habitat at a 3:1 ratio, and temporary or indirect impacts at a 1:1 ratio.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications, including verification of the purchase of mitigation credits. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| <p>Mitigation Measure BIO-5: Prior to construction within Riversidean alluvial fan sage scrub habitat the following measures shall be implemented to minimize temporary direct and indirect effects to San Bernardino kangaroo rat (SBKR):</p> <ul style="list-style-type: none"> A 4-foot high, 0.5-inch temporary steel mesh SBKR exclusionary fence shall be placed along the perimeter footprint where suitable SBKR habitat exists. The bottom of the exclusionary fence shall be buried below ground a minimum depth of 24 inches to minimize the potential that SBKR can re- | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications, including the preparation of a habitat mitigation and monitoring plan. If applicable, written evidence of completion | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
|--|-------------------------------|---|---|--|
| <p>enter the construction area and to preclude impacts to adjacent habitat. Trapping shall be conducted for SBKR within 30 days prior to ground disturbing activities. Any SBKR or other sensitive mammal species that are captured shall be relocated outside the exclusionary fencing. Trapping shall be conducted by a permitted biologist and according to protocol;</p> <ul style="list-style-type: none"> The temporary SBKR exclusionary fencing shall be maintained in place throughout the duration of construction in these areas to minimize take of SBKR during the construction phase and preclude the inadvertent disturbance of outlying areas by construction personnel. Access to SBKR habitat outside of the construction limits shall be prohibited and posted accordingly. The exclusionary fence shall be inspected weekly and repaired as necessary so that there are no gaps greater than 0.5 inch on any portion of the fence that could allow SBKR entry into the Project Site; All the construction equipment shall meet applicable noise ordinances. Compliance with this requirement would minimize noise stress to SBKR in the vicinity of the Project Site; and Contractor pets shall be prohibited in and adjacent to the construction area. | | | of and compliance with requirements related to consultation with the USFWS under Section 10 or Section 7 of the Federal Endangered Species Act. | |
| <p>Mitigation Measure BIO-6: Prior to construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following design features shall be implemented to minimize long-term indirect effects to San Bernardino kangaroo rat (SBKR):</p> <ul style="list-style-type: none"> The pedestrian bridge supports shall be designed to minimize impacts to SBKR habitat and allow continued movement of SBKR. Temporary impacts areas shall be revegetated with native shrub vegetation through container plantings to reestablish SBKR habitat and provide cover and facilitate movement of small mammals. All replanting shall be conducted pursuant to a mitigation and monitoring plan prepared and overseen by a qualified biologist. To minimize light and noise pollution, no night lighting shall be directed into the open space areas and noise levels should not exceed City standards. | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications, including the preparation of a habitat mitigation and monitoring plan. | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
|---|-------------------------------|--|--|--|
| <p><i>Measures to Mitigate Potentially Significant Impacts to burrowing owls.</i></p> <p>Mitigation Measure BIO-7: A protocol survey for burrowing owl shall be required prior to any ground disturbing activities within disturbed and non-native grassland habitats. The surveys shall be conducted pursuant to the protocol provided as Appendix D of the Staff Report on Burrowing Owl Mitigation published by the California Department of Fish and Wildlife (CDFW) dated March 7, 2012. A qualified biologist, as defined in the CDFW Staff Report, shall conduct the surveys. Surveys shall preferably be conducted during the breeding season which requires 4 site visits, including at least one site visit between February 15 and April 15; and a minimum of three site visits at least three weeks apart between April 15 and July 15, with at least one visit after June 15.</p> <p>If burrowing owls are determined present during the focused survey, occupied burrows and habitat shall be avoided if feasible following the guidelines in the above referenced CDFW Staff Report. This includes, but is not limited to, avoiding direct or indirect destruction of burrows, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. Avoidance measures shall be implemented under the direction of the qualified biologist. If occupied burrows or habitat cannot be avoided, appropriate compensation measures shall be determined by the qualified biologist in accordance with the guidelines detailed in the CDFW staff report and subject to approval by CDFW. This includes a Burrowing Owl Exclusion Plan for temporary or permanent exclusion of owls from occupied burrows, and/or a Mitigation Land Management Plan for permanent conservation of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering and dispersal comparable to or of higher quality than the impact area.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division; California Department of Fish and Wildlife. | <p>Imposition of conditions of approval for applicable land use applications.</p> <p>Pre-Construction Survey per CDFW requirements prior to issuance of a grading permit and/or an action that would result in project site disturbance (whichever occurs first).</p> <p>If present, preparation and approval of a mitigation plan.</p> <p>Implementation of plan prior to issuance of a grading permit and/or an action that would result in project site disturbance (whichever occurs first).</p> | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| <p><i>Refer to Mitigation Measures BIO-1 to BIO-6 for mitigation measures regarding significant impacts to sensitive habitats. In addition, the following mitigation measure is prescribed to mitigate potentially significant impacts to jurisdictional features.</i></p> <p>Mitigation Measure BIO-8: Prior to the issuance of any grading permit for permanent or temporary impacts in the areas designated as jurisdictional features, the project applicant shall obtain regulatory permits from the USACE, RWQCB, and CDFW, as applicable. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:</p> <ol style="list-style-type: none"> 1. On-site and/or off-site creation, enhancement, and/or | Project Applicant | City of Rialto Development Services Department, Planning Division | <p>Imposition of conditions of approval for applicable land use applications. If applicable, written evidence of completion of and compliance with requirements related to consultation with the USACE, RWQCB, and/or CDFW.</p> | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
|--|-------------------------------|---|--|--|
| <p>restoration of USACE/RWQCB jurisdictional “waters of the U.S.” “waters of the State” within the Santa Ana Watershed at a ratio no less than 1:1 or within an adjacent watershed at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-Project conditions (i.e., pre-Project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p> | | | | |
| <p>2. On-site and/or off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa Ana Watershed at a ratio no less than 2:1 or within an adjacent watershed at a ratio no less than 3:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-Project conditions (i.e., pre-Project contours and revegetate where applicable). Any off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p> <p>3. Any purchase of mitigation credits through an agency-approved mitigation bank or in-lieu fee program shall occur prior to any impacts to jurisdictional drainages. If off-site mitigation is proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, creation, restoration, and/or enhancement of similar habitat pursuant to a Habitat Mitigation and Monitoring Plan (HMMP). A HMMP shall also be prepared for on-site mitigation. The HMMP shall be prepared prior to any impacts to jurisdictional features, and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The goal of the mitigation shall be to preserve, create, restore, and/or enhance similar habitat with equal or greater function and value than the impacted habitat.</p> | | | | |
| <p><i>Measures to Mitigate Potentially Significant Impacts to migratory birds.</i></p> <p>Mitigation Measure BIO-9: Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Rialto that either of the following have been or will be accomplished.</p> <p>1. Vegetation removal activities shall be scheduled outside the</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications, including a report of the results of any pre-construction nest surveys. | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>nesting season (i.e., September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.</p> <p>2. Any construction activities that occur during the nesting season (i.e., February 15 to August 31 for songbirds; January 15 to August 31 for raptors) would require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected a buffer of 100 feet (300 feet for raptors) around the nest adjacent to construction, or as determined appropriate by the biologist, shall be delineated, flagged, and avoided until the nesting cycle is complete. An appropriate buffer shall be determined by the biological monitor to minimize impacts to the nesting bird(s) accounting for factors such as the species, type of construction activities, in addition to habitat and topography that may provide natural sound attenuation. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biologist to minimize impacts.</p> | | | | |
| Cultural Resources | | | | |
| <p><i>Measures to Mitigate Potentially Significant Impacts to Archeological Resources:</i></p> <p>CUL-1: Conduct a Phase I Archaeological/ Historical Resources Assessment. For specific development proposals that are initiated under the Project that require excavation (e.g., clearing/grubbing, grading, trenching, or boring) or demolition activities, the City shall require Phase I Archaeological Resources Assessments on a project-by-project basis within the Specific Plan area to identify any archaeological resources within the footprint or immediate vicinity. The level of effort for a Phase I assessment shall include a Sacred Lands File search through the California Native American Heritage Commission (NAHC) and a full-coverage pedestrian survey of the Project Site. In addition, the assessment shall include a review available geotechnical studies, site plans, and drilling/grading studies to determine the nature and depth of the construction activities to assist in determining the depths of fill versus native soils across the improvement footprint. If no resources are identified as a result of the pedestrian survey, it does not preclude the existence of buried resources within the improvement footprint. If this is the case, a qualified archaeologist shall determine the potential for the Project to encounter buried resources during construction based on the results of the record searches, depth of native versus fill soils, and proposed excavation parameters.</p> <p>The following scenarios shall be followed depending on the results</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | <p>Imposition of conditions of approval for applicable land use applications.</p> <p>Preparation of significance evaluations as applicable.</p> | <p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p> |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| of the Phase I assessment: <ul style="list-style-type: none"> • If resources are identified during the Phase I assessment, then a Phase II evaluation shall be required, as described in CUL-2. • If no resources are identified as part of the assessment, no further analyses or mitigation shall be warranted, unless it can be determined that the project has a moderate to high potential to encounter buried archaeological resources. • If it is determined that there is a moderate or high potential to encounter buried archaeological resources, appropriate mitigation such as construction monitoring shall be required as described in CUL-4, -5, and -6. | | | | |
| CUL-2: Conduct a Phase II Archaeological/Historical Resources Evaluation. If resources are identified during the Phase I assessment, a Phase II Archaeological Resources Evaluation may be warranted if impacts from the improvements cannot be avoided. The Phase II assessment shall evaluate the resource(s) for listing in the California Register and to determine whether the resource qualifies as a “unique archaeological resource” pursuant to CEQA. If enough data is obtained from the Phase I assessment to conduct a proper evaluation, a Phase II evaluation may not be necessary. Methodologies for evaluating a resource can include, but are not limited to: subsurface archaeological test excavations, additional background research, property history research, and coordination with Native Americans and other interested individuals in the community. | Project Applicant | City of Rialto Development Services Department, Planning Division | Preparation and compliance with applicable mitigation plan to protect the significant cultural resource in question (if applicable). | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| CUL-3: Conduct a Phase III Assessment if Resources are Eligible. If, as a result of the Phase II evaluation, resources are determined eligible for listing in the California Register or are considered “unique archaeological resources” pursuant to Section 21083.2 of the Public Resources Code, potential impacts to the resources shall be analyzed and if impacts are significant (i.e., the improvement will cause a “substantial adverse change” to the resource) and cannot be avoided, mitigation measures shall be developed and implemented, such as archaeological data recovery excavations to reduce impacts to the resources to a level that is less than significant. | Project Applicant | City of Rialto Development Services Department, Planning Division | Preparation and compliance with applicable mitigation plan to protect the significant cultural resource in question (if applicable). | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| CUL-4: Conduct Archaeological and Native American Construction Monitoring. If it is determined by the qualified archaeologist preparing the Phase I Archaeological Resources Assessment that: 1) there is a moderate or high potential to encounter buried archaeological resources; and 2) that construction monitoring is required during construction excavations such as clearing/grubbing, | Project Applicant | City of Rialto Development Services Department, Planning Division | Establishment of monitoring procedures. Site observation. | Initials: _____ Date: _____ Initials: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>grading, trenching, or any other construction excavation activity associated with the proposed improvements, then the City shall require future development/Project applicants on a project-by-project basis within the Specific Plan area to retain a qualified archaeological monitor and/or Native American monitor who shall be present during construction excavation activities.</p> <p>The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus fill soils), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the archaeological monitor.</p> | | | | Date: _____ |
| <p>CUL-5: Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered. In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant and City shall coordinate with the archaeologist and Native American monitor (if the resources are prehistoric in age) to develop an appropriate treatment plan for the resources. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preserve it in place. The Applicant, in consultation with the archaeologist and Native American monitor (if the resources are prehistoric in age), shall designate repositories in the event that archaeological material is recovered.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Establishment of monitoring procedures. Site observation. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| <p>CUL-6: Prepare Archaeological Monitoring Report. The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted to the City and the San Bernardino Archaeological Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register of Historical Resources and CEQA, and treatment of the resources.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Preparation of monitoring report. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| <p><i>Measures to Mitigate Potentially Significant Impacts to Human Remains. Refer also to Mitigation Measures CUL-1 to CUL-3.</i></p> <p>CUL-7: Cease Ground-Disturbing Activities and Notify County Coroner If Human Remains Are Encountered. If human remains are</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. Site | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>unearthed during construction exaction activities, the construction contractor shall comply with State Health and Safety Code Section 7050.5. The contractor and Project applicant shall immediately notify the County Coroner and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC. The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the landowner, inspect the site of the discovery of the Native American remains and may recommend to the landowner means for treating or disposing, with appropriate dignity, the human remains and any associated funerary objects. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and cultural items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. MLDs in the region typically recommend reburial of the remains as close to the original burial location as feasible accompanied by a ceremony. The MLD shall file a record of the reburial with the NAHC and the Project archaeologist shall file a record of the reburial with the CHRIS-SBAIC.</p> <p>If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the facility property in a location not subject to further and future subsurface disturbance. A record of the reburial shall be filed with the NAHC and the CHRIS-SBAIC.</p> | | | observation. | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p><i>Measures to Mitigate Potentially Significant Impacts to Tribal Resources.</i></p> <p>CUL- 8: If a tribe formally requests, in writing, to be notified of future specific development proposals that are initiated under the Project, the City shall begin AB 52 consultations with those particular tribes for all future development proposals within the Project Site. The purpose of those consultations would be to identify, evaluate, and mitigate impacts to tribal cultural resources from a given development proposal.</p> | City of Rialto Development Services Department, Planning Division | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| Geology/Seismic | | | | |
| <p>Design Feature DF GEO-1: Geotechnical Investigation – Prior to the approval of a precise grading permit for any building within the Project Site, a subsequent site- and design-specific geotechnical and geologic report prepared by a licensed geologist shall be submitted to the City Engineer for review and approval. The report shall document the feasibility of each proposed use and the appropriate geotechnical, geologic, and seismic conditions associated with that use. The geologic investigation shall demonstrate that buildings for human occupancy will not be constructed across active faults and must be setback in accordance with Alquist-Priolo Earthquake Fault Zoning Act requirements. For residential uses, setback distances may vary, but a minimum 50-foot setback is required.</p> <p>To demonstrate compliance with the Alquist-Priolo Earthquake Fault Zoning Act requirements, the analysis shall include the results of a subsurface investigation, including on-site trenching activities as necessary, to delineate the precise location(s) of any fault traces that could impact buildings on the future development. Unless otherwise modified, any conditions, recommendations, or construction measures contained therein, including the imposition of specified setback requirements for proposed development activities within Alquist-Priolo Earthquake Fault Zones, shall become conditions of approval for the requested use. The report shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance.</p> | Project Applicant | City of Rialto Public Works Department, Engineering and Traffic Division | Submittal and approval of design level geotechnical report, as applicable, and incorporation of the requirements of such reports into grading and building plans. | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| Design Feature DF GEO-2: Geotechnical Disclosures – Pursuant to the requirements of the Natural Hazards Disclosure Act, under Sec. 1103 of the California Civil Code, real estate sellers and brokers shall disclose to future buyers that if the Project lies within one or more state or locally mapped hazard areas, including an earthquake fault zone. This hazard shall also be disclosed on a statutory form called the Natural Hazard Disclosure Statement (NHDS) to all prospective buyers within the Project Site. | Project Applicant | City of Rialto Development Services Department, Building Division | Prior to real estate transactions within the project site. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| Hazards | | | | |
| Design Feature DF HAZ-1: Soil Investigation –Soil samples shall be collected for new development within the Project Site prior to issuance of grading permits and analyzed for the presence of organochlorine pesticides and Title 22 Metals. Sampling and analysis shall be conducted in accordance with appropriate California guidelines (e.g., Department of Toxic Substances Control, 2008, Interim Guidance for Sampling Agricultural Properties). Soils with elevated organochlorine pesticides or metals compared with these guidelines shall be removed and disposed offsite in accordance applicable federal, state, and local regulations. | Project Applicant/Construction Contractor | City of Rialto Development Services Department, Building Division (building construction). | Imposition of conditions of approval for applicable land use applications. Sampling prior to issuance of grading permits. Direct observations / site inspections. Evidence of contaminated soil sampling and removal, as necessary. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| Noise | | | | |
| NOISE-1: Prior to approval of design review permits for sensitive uses, to reduce and/or ensure exterior noise levels are at or below 65 CNEL at potential outdoor sensitive uses (i.e., residential courtyards, parks, and passive recreation areas) proposed by the Specific Plan, a combination of sound barrier walls, earthen berms, and landscaping shall be designed and implemented by a qualified acoustical consultant, as necessary. Alternatively, outdoor uses shall be located behind buildings (not facing traffic corridors) in a manner that shields outdoor sensitive uses from roadway noise and reduces the exterior noise level to 65 CNEL or below. Also, an acoustical engineer shall submit evidence, along with the application for a building permit, any design plans or features of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room. | Project Applicant | City of Rialto Development Services Department, Planning Division | Review and approval of land use applications, submittal and review of noise analyses as specified. | Initials: _____ Date: _____ Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| Public Services | | | | |
| Design Feature DF SERVICE-1: Construction Management Plan – A construction management plan shall be developed by the applicant or contractor of each future developments proposed within the Specific Plan area and approved by the City of Rialto Public Works Department prior to construction activities. The construction management plan shall include, at a minimum, the following: <ul style="list-style-type: none"> Identify the locations of the off-site truck staging and provide measures to ensure that trucks use the specified haul route, as applicable, and do not travel through nearby residential neighborhoods or schools; Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on surrounding streets; Establish requirements for loading/unloading and storage of materials on the Project Site; Coordinate with the City and emergency service providers to ensure adequate access is maintained to and around the Project Site; and During construction activities when construction worker parking cannot be accommodated on the Project Site, a Construction Worker Parking Plan shall be prepared which identifies alternate parking location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City. The Construction Worker Parking Plan shall prohibit construction worker parking on residential streets and prohibit on-street parking, except as approved by the City. | Project Applicant/Construction Contractor | City of Rialto Development Services Department, Building Division (building construction). | Submittal of Construction Management Plan to City. | Initials: _____ Date: _____ Initials: _____ Date: _____ |
| Design Feature DF SERVICE-2: Fire Fees – The applicant of each applicable future developments proposed within the Specific Plan shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.220 – Fire Protection Facilities Development Fee of the Municipal Code. | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |
| Design Feature DF SERVICE-3: Police Fees – The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.210 – Law Enforcement Facilities Development Impact Fee of the Municipal Code. | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| Design Feature DF SERVICE-4: Schools Fees – The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees to the Rialto Unified School District (RUSD) as full mitigation for potential impacts to schools pursuant to SB 50 (Section 65995 of the Government Code) and Title 17 – Subdivisions, Chapter 17.22 – School Facilities Fee, Section 17.22.120 – Facilities Fee and Section 17.22.140 – Dedication or Provision of Facilities in Lieu of Fees, of the Municipal Code. | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |
| Design Feature DF SERVICE-5: Parks – The applicant of each future residential development proposed within the Project Site shall be responsible for meeting the parkland dedication or fee requirements pursuant to the Quimby Act and Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.150 – Parks and Recreation Development Impact Fees and Title 17 – Subdivisions, Chapter 17.23 – Park and Recreational Facilities Dedication of the Municipal Code. | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |
| Design Feature DF SERVICE-6: Library Fees – The applicant of each applicable future development proposed within the Project Site shall be responsible for paying applicable development impacts fees Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.200 – Library Facilities Development Impact Fee of the Municipal Code. | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |
| Transportation and Traffic | | | | |
| TRAF-1: Prior to issuance of building permits, future Project applicant(s) shall participate in the City of Rialto Development Impact Fee (DIF) Program by paying applicable fees, supplemented by participation in additional fair share intersection improvement costs as needed. Such fees shall be determined by additional and/or focused traffic impact studies, as determined necessary by the City of Rialto Traffic Engineering Division, prior to future development occurring within the Specific Plan Area. Payment of fees to these fee programs may be considered as mitigation for the Project's proportionate share of cumulative impacts. If the City finds that the payment of DIF fees alone do not adequately address the Project's proportionate share, a fair share contribution may be imposed in order to mitigate the Project's share of cumulative impacts. Improvements constructed by development may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the City's discretion). The improvements identified below shall be funded by the Project's proportionate payment of fees, as determined necessary by the City of Rialto Traffic Engineering Division. The City shall ensure that the improvements will be constructed pursuant to the fee program at the | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>point in time necessary to avoid identified significant traffic impacts.</p> <p><u>Riverside Avenue/Easton Street (Intersection #3):</u></p> <ul style="list-style-type: none"> Participate in the signal modification to provide separate right turn overlap signal phasing for the existing westbound right turn lane. <p><u>Eucalyptus Avenue/Baseline Road (Intersection #8):</u></p> <ul style="list-style-type: none"> Northbound Approach: Provides separate left turn lane, in addition to the existing through lane. Southbound Approach: Provide separate left turn lane, in addition to the existing through lane. <p><u>Pepper Avenue/Highland Avenue (Intersection #9):</u></p> <ul style="list-style-type: none"> Northbound Approach: Restripe through lane to shared through-right lane, in addition to the left turn lane and right turn lane. Eastbound Approach: Participate in the signal modification to provide separate right turn overlap signal phasing for the right turn lane. <p><u>Pepper Avenue/SR-210 Westbound Ramps (Intersection #10):</u></p> <ul style="list-style-type: none"> Northbound Approach: Modify traffic signal to provide north/south split phase, restripe first through lane to provide a left-through lane, in addition to the left turn lane and second through lane. Westbound Approach: Provide additional (second) left turn lane. <p><u>Pepper Avenue/SR-210 Eastbound Ramps (Intersection #11):</u></p> <ul style="list-style-type: none"> Northbound Approach: Provide separate right turn lane. Eastbound Approach: Provide additional (second) right turn lane. <p><u>Pepper Avenue/Winchester Drive (Intersection #12):</u></p> <ul style="list-style-type: none"> Participate in construction of a traffic signal. Northbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. Southbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. | | | | |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p><u>Pepper Avenue/Mariposa Drive (Intersection #13):</u></p> <ul style="list-style-type: none"> Participate in construction of a traffic signal. Northbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. Southbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. <p><u>Pepper Avenue/Baseline Road (Intersection #14):</u></p> <ul style="list-style-type: none"> SB Approach: Provide separate right turn lane. <p><u>Pepper Avenue/Etiwanda Avenue (Intersection #15):</u></p> <ul style="list-style-type: none"> Participate in construction of a traffic signal. <p><u>Pepper Avenue/Foothill Boulevard (Intersection #16):</u></p> <ul style="list-style-type: none"> Participate in the signal modification to provide separate right turn overlap signal phasing for the existing eastbound right turn lane. Southbound Approach: Provide separate right turn lane. Westbound Approach: Provide additional (third) through lane. | | | | |
| <p>Design Feature DF TRAF-1: Pepper Avenue / Northerly Right-In/Right-Out (RIRO) Driveway – Install stop sign control on the EB approach, design the intersection to restrict left-in access to the Project driveway and left-out access from the Project driveway, and construct the intersection with the following geometrics:</p> <ul style="list-style-type: none"> NB Approach: Provide two through lanes. SB Approach: Provide one through lane and one shared through-right turn lane. EB Approach: Provide a right turn lane. | Project Applicant | City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division | Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>Design Feature DF TRAF-2: Pepper Avenue / Main Driveway (intersection #23) – Install traffic signal control and construct the intersection with the following geometrics:</p> <ul style="list-style-type: none"> • NB Approach: Provide one left turn lane, one through lane, and one shared through right lane. • SB Approach: Provide two left turn lanes, one through lane, and one shared through right lane. • EB Approach: Provide one left turn lane and one shared through-right lane. • WB Approach: Provide one left turn lane, one through lane, and one right turn lane. | Project Applicant | City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division | Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. | Initials: _____ Date: _____ |
| <p>Design Feature DF TRAF-3: Pepper Avenue / Southerly RIRO Driveway – Install stop sign control on the EB approach, design the intersection to restrict left-in access to the Project driveway and left-out access from the Project driveway, and construct the intersection with the following geometrics:</p> <ul style="list-style-type: none"> • NB Approach: Provide two through lanes. • SB Approach: Provide one through lane and one shared through-right turn lane. • EB Approach: Provide a right turn lane. | Project Applicant | City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division | Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. | Initials: _____ Date: _____ |
| <p>Design Feature DF TRAF-4: Pepper Avenue / South Driveway (intersection #24) – At complete build-out, or as otherwise determined by traffic needs, install traffic signal control and construct the intersection with the following geometrics:</p> <ul style="list-style-type: none"> • NB Approach: Provide one through lane and one shared through-right lane. • SB Approach: Provide one left turn lane and two through lanes. • WB Approach: Provide one left turn lane, and one right turn lane. | Project Applicant | City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division | Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| Utilities Infrastructure | | | | |
| <p>Design Feature DF WATER-1: Water Infrastructure – Future development within the Project Site shall provide connections to the water servicing line from both sides of Pepper Avenue. These future connections shall lie north of the WVWD Lord Ranch Facility and require either a direct connection to the existing 30-inch transmission line in Pepper Avenue or extending the 12-inch line to the connection points. The water system shall be designed to deliver the peak hour domestic demand to each service point with a residual pressure of 40 pounds per square inch (psi) and to deliver specified fire flow plus the peak day domestic demand with a minimum residual pressure of 20 psi. The fire flow requirement for the Project Site is 3,000 gallons per minute (gpm) for three hours (for commercial/office/high density residential areas). The maximum operating pressure in mains shall not exceed 130 psi with pressure reducers required on service connections having pressure greater than 80 psi. All water lines shall be looped where possible. All dead end lines shall not exceed 660 feet in length or the current design requirements at the time of design.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division | Incorporation of requirement into building plans. | Initials: _____ Date: _____ |
| <p>Design Feature DF WATER-2: Water Fees - The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.260 – Domestic and Recycled Water Facilities Development Impact Fee of the Municipal Code.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |
| <p>Design Feature DF SEWER-1: Sewer Infrastructure – The sewer system for the Project shall consist of two systems, the East and West systems. The East system shall gravity flow southerly within the future commercial development area (east of pepper Avenue) and then westerly to a proposed lift station on the east side of Pepper Avenue. The East system shall consist of 8-inch and 6-inch laterals. The West system (west of Pepper Avenue) shall gravity flow easterly towards Pepper Avenue and join an existing 12-inch VCP sewer line in Pepper Avenue.</p> <p>An on-site sewer lift station on the east side of Pepper Avenue shall be required to pump sewage flows southerly via a force main into the gravity sewer system in Winchester Drive. The future lift station shall be sized to accommodate the peak sewer flows from the Project as well as any potential offsite future developments that may be tributary to the lift station, including the Caltrans-maintained area north of the 210 Freeway and south of Highland Area (which consists of 7.4 acres). Future development of this 7.4-acre area would likely add additional sewer flows of approximately 9 percent of the above peak flow to the lift station. Therefore, the proposed lift</p> | Project Applicant | City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division | Incorporation of requirement into building plans. | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>station shall be designed to accommodate the calculated peak flow plus 9 percent.</p> <p>The on-site sewer system for the Specific Plan area may reach depths of 20-25 feet, therefore the future lift station shall be designed to have sufficient power to siphon sewer flows from these depths. Furthermore, there would be approximately 35-40 feet of vertical change and approximately 1,100 feet of horizontal length between the lift station and the point of connection into the existing sewer system in Winchester Drive. The final engineering and design specifications shall ensure the lift station can accommodate these constraints.</p> | | | | |
| <p>Design Feature DF SEWER-2: Sewer Fees - The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.240 – Sewage Collection Facilities Development Impact Fee and Section 3.33.250 – Sewage Treatment Facilities Development Impact Fee of the Municipal Code.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |
| <p>Design Feature DF HYDRO-1: SWPPP - A Storm Water Pollution Prevention Plan (SWPPP) shall be developed by the applicant of each future development proposed within the Specific Plan that disturbs 1 or more acre. The SWPPP shall comply current Construction General Permit (CGP) and associated local National Pollutant Discharge Elimination System (NPDES) regulations at the time of development to ensure that the potential for soil erosion and short-term water quality impacts is minimized on a project-by-project basis.</p> | Project Applicant/Construction Contractor | City of Rialto Development Services Department, Building Division (building construction). | Submittal of SWPPP to City. | Initials: _____ Date: _____ |
| <p>Design Feature DF HYDRO-2: WQMP - A Water Quality Management Plan (WQMP) shall be developed by the applicant of each future development proposed within the Specific Plan. The WQMP shall comply with all applicable provisions of the San Bernardino County Technical Guidance Document for Water Quality Management Plan (TGD-WQMP), WQMP Template (Template), and Transportation Project BMP Guidance, as required under Section XI.D.2 of Order No. R8-2010-0036. The WQMP shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> Incorporation of site design/Low Impact Development (LID) strategies and source control measures in a systematic manner that maximize the use of LID features to provide treatment of stormwater and reduce runoff. For those areas of the Project Site where LID features are not feasible or do not meet the feasibility criteria, treatment control Best Management Practices (BMPs) with biotreatment | Project Applicant/Construction Contractor | City of Rialto Development Services Department, Building Division (building construction). | Submittal of WQMP to City. | Initials: _____ Date: _____ |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>enhancement design features shall be utilized to provide treatment. LID features shall be sized to infiltrate the required design capture volume (DCV) to reduce impacts of pollutants and runoff volumes to downstream receiving waters.</p> <ul style="list-style-type: none"> Assuming complete build-out of the project, the entire Project Site shall require approximately 5.4 acre-feet of runoff to be infiltrated to retain the runoff from the 85th percentile, 24-hour rain event. Individual developments shall be responsible for their proportionate share. Infiltration BMPs would be sized in accordance with Form 4.3-3 of the TGD for WQMPs. Should infiltration prove infeasible based on future geotechnical studies associated with the site-specific plans, harvest and reuse BMPs shall be evaluated as part of the future site-specific plans and WQMPs. | | | | |
| <p>Design Feature DF HYDRO-3: Storm Drain Infrastructure - Should the "West and East Systems Drainage Scenario," as depicted in Section IX, Hydrology and Water Quality, in Attachment B of the Initial Study be implemented by the Project, then DF HYDRO-3 shall be required. If an alternative drainage system is implemented, DF HYDRO-3 would not be required. As stated above, the final storm water design may differ from this design, as the Project's Specific Plan does not mandate specific building locations. Additionally, the final design could include green roofs, bioswales, etc. that would alter the minimum required size of the underground basin, or even eliminate the need for an underground basin. Other designs such as at-grade basins, or storm water designs that only treat individual developments could also be implemented.</p> <p>Regardless, the precise drainage conveyance system design would be analyzed as part of the Water Quality Management Plan for each future, precise development consistent with State and City requirements for storm water conveyance.</p> <p>If the Project Site west or east of Pepper Avenue is developed concurrently, the respective West or East drainage and water quality system would be constructed in its entirety consistent with DF HYDRO-2. In this scenario, the developers within either system would enter into a development agreement to delineate their fair share cost of design and construction of the facilities, as applicable. If the northerly portion within either system is developed prior to the southerly portion, the owner would be responsible to do one of the following:</p> <ol style="list-style-type: none"> 1. Install the proposed retention/detention system within the southerly portion of the Project Site (within their respective | Project Applicant | City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division | Incorporation of requirement into building plans. | Project Applicant |

| Mitigation Measure/Project Design Features | Implementation Responsibility | Agency Responsible for Monitoring | Monitoring/Reporting Action | Monitoring Compliance Record (Name/Date) |
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| <p>system) as well as any drainage conveyances to and from the basin system, sized to accommodate the south site as well. This could require a development agreement for reimbursement of the fair share of costs and shared land use between both owners; or</p> <p>2. Install drainage and water quality facilities to accommodate only the north portion of their respective system. This would most likely require the design and implementation of an interim Grading and Drainage Plan to mitigate any impacts to the southerly owner.</p> <p>In this scenario, if the southerly portion of either system is developed prior to the northerly portion, the southern property owner would be responsible to install a drainage and water quality system within the southerly portion of the Project Site to include the anticipated demand and capacity contributed from the northerly site (within their respective system). Specifically, the proposed stormwater conveyances and retention/detention basin within each system would be sized per stormwater and water quality demand for the either the entire West system (Planning Areas 5, 6, 7 and 8) or entire East system (Planning Areas 1, 2 and 3). As such, a development agreement between owners within each system would be implemented for the reimbursement of the fair share of costs.</p> | | | | |
| <p>DF HYDRO-4: Storm Drain Fees - The applicant of each future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.270 – Storm Drain Facilities Development Impact Fee of the Municipal Code.</p> | Project Applicant | City of Rialto Development Services Department, Planning Division | Imposition of conditions of approval for applicable land use applications. | Initials: _____ Date: _____ |

