Volume IV
RESPONSE TO COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT
State Clearinghouse No. 2009061113

LYTLE CREEK RANCH
SPECIFIC PLAN

Lead Agency:
City of Rialto
Development Services Department
150 South Palm Avenue
Rialto, California 92376

May 2010

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DRAFT ENVIRONMENTAL IMPACT REPORT
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LYTLE CREEK RANCH
SPECIFIC PLAN

Annexation No. 170
General Plan Amendment No. 29
Specific Plan No. 12
Development Agreement
Vesting Tentative Tract Map No. 18767
Environmental Assessment Review No. 90-19

Lead Agency:
City of Rialto
Development Services Department - Planning Division
150 South Palm Avenue
Rialto, California 92376
(909) 421-7246

Applicant:
Lytle Development Joint Venture III
2050 Main Street, Suite 252
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(949) 313-5800

May 2010

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1.1 Introduction

This "Response to Comments on the Draft Environmental Impact Report – Lytle Creek Ranch Specific Plan, State Clearinghouse No. 2009061113" (RTC), in combination with the three-volume "Draft Environmental Impact Report – Lytle Creek Ranch Specific Plan, State Clearinghouse No. 2009061113" (DEIR) and such other documents as may be added by the City of Rialto Planning Commission (Commission) and/or by the City of Rialto City Council (Council), collectively serve as the "Final Environmental Impact Report – Lytle Creek Ranch Specific Plan, State Clearinghouse No. 2009061113" (FEIR) for the "Lytle Creek Ranch Specific Plan" (LCRSP) project.

This RTC presents the Development Services Department's (Department) written responses to all written and oral comments received by the City of Rialto (City or Lead Agency) following the City's dissemination of the "Notice of Completion" (NOC), "Notice of Availability" (NOA), and the DEIR. The information and analysis provided in this RTC serves to augment the Lead Agency's independent analysis of the LCRSP project, as presented and described in the DEIR. Although separately bound from the DEIR, this RTC is intended to be read in combination with the DEIR. Material presented in the DEIR is not again repeated herein, except to the extent necessary to provide a response to the issues that have been raised during the noticed comment period established under the NOC and NOA. Except where otherwise provided, the terminology, acronyms, and definitions used herein are intended to have the same meaning as presented in the DEIR.

1.2 CEQA Requirements

The State CEQA Guidelines require the City to consider all public and agency comments received on the DEIR in its decision-making process. As indicated in Section 15088 therein: "(a) 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 received during the noticed comment period and any extensions and may respond to late comments. (b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report. (c) The written responses shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted."

The requirement of a detailed written response to comments helps to ensure that the lead agency will fully consider the environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and that public participation in the environmental review process is meaningful (People v. County of Kern [1974]). In City of Long Beach v. Los Angeles Unified School District (2009), the court stated that "[t]he level of detail required in a response to a comment depends on factors such as the significance of the issues raised, the level of detail of the proposed project, the level of detail of the comment and the extent to which the matter is already addressed in the DEIR or responses to other comments." In accordance therewith, each of the responses presented herein contain at least the same level of detail as the comment and each serves to demonstrate a good-faith analysis of the issues raised in those comments by the Lead Agency.

As indicated in Section 15090 of the State CEQA Guidelines, without presupposing any particular project outcome, "[p]rior to approving a project the lead agency shall certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis."

In defining the minimum contents of the project's final EIR, Section 15132 of the State CEQA Guidelines indicates that "[t]he final EIR shall consist 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. (e) Any other information added by the lead agency."

1.3 DEIR Review Period

As required under Section 21092 of the California Environmental Quality Act (CEQA), "[a]ny lead agency which is preparing an environmental impact report or negative declaration or making a determination pursuant to Section 21157 shall provide public notice of that fact within a reasonable time period prior to certification of the environmental impact report or adoption of the negative declaration." In fulfillment of that obligation and in accordance with Section 15086 of the State CEQA Guidelines, the Lead Agency disseminated the NOC and/or forwarded printed or electronic copies of the DEIR to the Governor's Office of Planning and Research, in that agency's role as State Clearinghouse (SCH), to those responsible and trustee agencies identified in the DEIR, to County departments and districts, to transportation planning agencies and public agencies which have transportation facilities within their jurisdiction which could be affected by the project, and to other stakeholders.

Both the DEIR and NOC were submitted to and received by the SCH on February 26, 2010, commencing a 45-day comment period on the DEIR. The State agency comment period, as established by the SCH, concluded on April 12, 2010. In addition, a NOA was published in the "San Bernardino County Sun" on March 1, 2010. As indicated in the published NOA, the Lead Agency consented to accept comments through April 15, 2010. Copies of the NOC and NOA are presented in Appendix IV-A (Notice of Completion and Notice of Availability), including a list of agencies and other parties receiving the DEIR and NOC in printed and/or in electronic format.

Comments received following the conclusion of the noticed comment period may be treated differently that comments received prior to the close of that comment period. As stipulated in Section 21091(d)(1) of CEQA and Section 15088(a) of the State CEQA Guidelines, under CEQA, the Lead Agency may, but is not required, to respond to late comments.

In addition, pursuant to Section 21092.5(a) of CEQA, at least ten days prior to the City's decision-making body's consideration of certification of the FEIR, the Lead Agency provided its draft written responses to those public agencies which submitted written comments to the City concerning the DEIR. The provisions of Section 21092.5(a) of CEQA only apply to comments submitted by public agencies and do not equally apply to comments submitted to the Lead Agency by the general public or by other non-governmental entities.

1.4 Incorporation of Written Comments

All written comments, inclusive of those presented by governmental agencies, non-governmental entities/organizations, and the general public, submitted to the City in response to the dissemination of the NOC and DEIR and the publication of the NOA are included in Appendix IV-B (Written Comments). For ease of reference, all correspondence has been categorized according to the type of entity and the date each comment was dated and/or received by the Lead Agency. In so categorizing the comments received, it has not been the City's intent to suggest any prioritization as to those comments or to suggest, in any fashion, that one comment is provided more or less weight that any other comments. The intent of this categorization is to: (1) facilitate review and consideration of written comments by the advisory and decision-making bodies of the Lead Agency, by other responsible agencies, by other governmental entities, by other stakeholders, and by the general public; and (2) enable compliance, by the Lead Agency, with the additional noticing provisions of Section 21092.5(a) of CEQA. As specified therein: "At least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency which conform with the requirements of this division."

The City acknowledges that, for may people, emails have replaced more traditional forms of written correspondence. As such, for this project, the Lead Agency has accepted electronically filed comments submitted to and received by the Department Director which are clearly noted "DEIR" and/or "Lytle Creek Ranch Specific Plan," and which were received during the noticed comment period established under the NOC and/or NOA. To ensure that no more or less weight is assigned, electronically filed comments are not specifically noted as such. Where no residency or street addresses is provided, the email address is, however, presented for the Lead Agency's and responsible agencies' consideration. From the email address alone, unless otherwise provided in the electronic filing, it is not possible to ascertain the street address of the party or parties submitting the email comment(s).

Because many of the names, signatures, and/or street addresses presented on comment letters submitted by individuals are hand written and not accompanied by printed or typed text, the Lead Agency may have incorrectly identified the name and/or addresses of certain commenting parties. Any such errors are unintentional.

Each comment letter or email has been assigned a number, denoting the sequence in which those communiqués are addressed herein. Individuals seeking to compare each comment with the Lead Agency's draft response can, therefore, locate each correspondence by the number which has been assigned. The separate comments presented in each communiqué have also been numbered for ease of reference. For example, reference to Comment No. I-1-5 denotes Comment No. 5 in Comment Letter No. I-1. Table 1 (List of Commentors - Written Testimony) provides a summary of all parties, known to the Lead Agency, that submitted written comments to the City with regards to the DEIR and indicates the corresponding reference number assigned by the Lead Agency to each communiqué. The Lead Agency has no record of receipt of any additional written correspondence, received during the comment period, other than as cited herein.

The Department's draft response to each of these comment letters is presented in Section 3.2 (Response to Comments) herein. Any recommended revisions or other modifications to the information and analysis presented in the DEIR are identified under each written response. Revisions to the DEIR are identified through the use of ~~cross-outs~~ (denoting deletions) and

underlining (denoting additions). For ease of reference, underlining is also used throughout this document to present information headings, highlight certain words, and to identify specific chapter, section, comment, and response numbers presented herein. In order to avoid possible confusion, when referencing information presented in the DEIR or other documents, underlining has been deleted although underlining may nonetheless be present in the extracted material. In those latter applications, the use of underlining is not intended to represent revisions to the DEIR. Unless otherwise noted, all page references herein are to the DEIR.

Based on the Department's evaluation of the comments received and continuing independent analysis, the Department's recommended changes, revisions, and other modifications to the DEIR are presented in Section 2.2 (Changes, Revisions, and Other Modifications).

As specified in Section 15088(c) of the State CEQA Guidelines, the response to comments may take the form of a revision to the DEIR or may be a separate section in the FEIR. Where the response to comments makes important changes in the information contained in the text of the DEIR, the Lead Agency should either: (1) revise the text of the body of the EIR; or (2) include margin notes showing that the information is revised in the response to comments. Based on the comments to the Lead Agency and the Lead Agency's responses thereto, not of the recommended changes, revisions, and other modifications to the DEIR presented in Section 2.2 (Changes, Revisions, and Other Modifications) constitute "important changes" to the DEIR. As such, the Lead Agency has elected not to republish the DEIR to either incorporate the text revisions of included margin notes showing that the information has been revised.

1.5 No Recirculation of the EIR Prior to Certification

A lead agency is required to recirculate an EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 [of the State CEQA Guidelines] but before certification."[1] Recirculation is not mandated "when the new information merely clarifies or amplifies the previously circulated draft EIR, but is required when it reveals, for example, a new substantial impact or a substantially increased impact on the environment."[2] New information is significant within the meaning of Section 21092.1 of CEQA if, as a result of the additional information, "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect."[3]

Based in part on written comments received by the Lead Agency during the noticed comment period, the City has augmented the information and analysis presented in the DEIR and made revisions thereto. No changes, revisions, and/or other modifications to the DEIR identified herein, as well as changes in the law, constitute "significant new information" predicating recirculation of the DEIR pursuant to Section 21092.1 of CEQA and Section 15088.5 of the State CEQA Guidelines. The following discussion addresses changes that have occurred in State regulation since publication of the DEIR and changes that have been made to the EIR and to the proposed LCRSP in response to comments received on the DEIR and explains why each of those changes would not constitute "significant new information" as defined in Section 15088.5 of the CEQA Guidelines.

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[1]/ Section 15088.5(a), State CEQA Guidelines; Section 21092.1, CEQA.

[2]/ Vineyard Area Citizens v. City of Rancho Cordova (2007) 40 Cal.4th 412, 447; Sections 15088.5(a)-(b), State CEQA Guidelines.

[3]/ Vineyard Area Citizens v. City of Rancho Cordova, 40 Cal.4th at p. 447; Section 15088.5[a], State CEQA Guidelines.

Table 1
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments from Governmental Entities			
I-1	James Pompy, Manager California Natural Resources Agency Department of Conservation – Office of Mine Reclamation Reclamation Unit 801 K. Street, MS 09-06 Sacramento, California 95814	March 2, 2010	March 8, 2010
I-2	Greg Holmes, Unit Chief California Department of Toxic Substances Control Brownfields and Environmental Restoration Program 5796 Corporation Avenue Cypress, California 90630	March 11, 2010	March 16, 2010
I-3	Bill Pfanner, Supervisor California Energy Commission Local Energy & Land Use Assistance Unit Special Projects Office – Fuels and Transportation Division 1516 Ninth Street Sacramento, California 95814-5512	March 15, 2010	March 22, 2010
I-4	George Blackburn, CFM, Branch Chief United States Department of Homeland Security FEMA Region IX Floodplain Management and Insurance Branch 1111 Broadway, Suite 1200 Oakland, California 94607-4052	March 24, 2010	April 1, 2010
I-5	James M. Squire, Deputy Director County of San Bernardino Land Use Services Department - Advanced Planning Division 385 North Arrowhead Avenue San Bernardino, California 92415-0182	March 29, 2010	April 1, 2010
I-6	Delaine W. Shane, Manager Metropolitan Water District of Southern California Environmental Planning Team 700 N. Alameda Street Los Angeles, California 90012	April 5, 2010	April 12, 2010
I-7	Dennis Nugent, Executive Director Fontana Unified School District – Facilities 9680 Citrus Avenue (P.O. Box 5090) Fontana, California 92334-5090	April 12, 2010	April 13, 2010
I-8	Wael Elatar, Facilities Administrator San Bernardino City Unified School District Facilities Management/Maintenance & Operations 956 West 9th Street San Bernardino, California 92411	April 14, 2010	April 15, 2010
I-9	Jeff Brandt, Senior Environmental Scientist California Natural Resources Agency Department of Fish and Game 3602 Inland Empire Boulevard, Suite C-200 Ontario, California 91764	April 15, 2010	April 15, 2010

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments from Governmental Entities (Continued)			
I-10	Lynn Boshart, Chair County of San Bernardino – Board of Supervisors El Rancho Verde Municipal Advisory Council 385 North Arrowhead Avenue San Bernardino, California 92415-0110	April 15, 2010	April 15, 2010
I-11	James M. Squire, Deputy Director County of San Bernardino Land Use Services Department - Advanced Planning Division 385 North Arrowhead Avenue San Bernardino, California 92415-0182	April 15, 2010	April 15, 2010
I-12	Kathleen Rollings-McDonald, Executive Officer Local Agency Formation Commission 215 North "D" Street, Suite 204 San Bernardino, California 92415-0490	April 15, 2010	April 15, 2010
I-13	Susan Nakamura, Planning and Rules Manager South Coast Air Quality Management District Planning, Rule Development & Area Sources 21865 Copley Drive Diamond Bar, California 91765-4182	April 15, 2010	April 15, 2010
I-14	Gabe Garcia, District Ranger United States Department of Agriculture – Forest Service San Bernardino National Forest Front Country Ranger District 1209 Lytle Creek Road Lytle Creek, California 92358	April 15, 2010	April 15, 2010
I-15	James A. Oravets, Division Manager Special Districts Department 157 West Fifth Street, Second Floor San Bernardino, California 92415-0450	April 15, 2010	April 19, 2010
I-16	Naresh P. Varma, P.E., Chief County of San Bernardino - Department of Public Works Environmental Management Division 825 East Third Street San Bernardino, California 92415-0835	April 14, 2010	April 21, 2010
I-17[4]	Scott Morgan, Acting Director Governor's Office of Planning and Research State Clearinghouse and Planning Unit 1400 10th Street (P.O. Box 3044) Sacramento, California 95812-3044	April 13, 2010	April 26, 2010
I-18[4]	Scott Morgan, Acting Director Governor's Office of Planning and Research State Clearinghouse and Planning Unit 1400 10th Street (P.O. Box 3044) Sacramento, California 95812-3044	April 20, 2010	April 26, 2010
I-19[4]	E.L. Falat, Captain, Commander California Business, Transportation and Housing Agency Department of California Highway Patrol San Bernardino Area 211 Western Avenue San Bernardino, California 92411	March 9, 2010	April 26, 2010

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments from Non-Governmental Entities/Organizations			
II-1	Douglas W. Sprague, Manager Vulcan Materials Company Reclamation & Special Projects 3200 San Fernando Road Los Angeles, California 90065-1415	April 8, 2010	April 12, 2010
II-2	Kim Floyd, Conservation Chair Sierra Club of San Gorgonio Chapter 4079 Mission Inn Avenue Riverside, California 92501	April 15, 2010	April 15, 2010
Written Comments by Individuals			
III-1	Miles and Pauline R. Fellows 5644 Olive Avenue Rialto, California 92377	March 14, 2010	Unstamped[1]
III-2[1]	Kenneth L. Velasquez 5798 Date Avenue Rialto, California 92377	Undated	March 24, 2010
III-3[1]	David J. Maskell 6037 Koa Drive Rialto, California 92377	Undated	Not legible in copy
III-4	Victor and Malke Rauing 2908 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-5	Sheila L. Brown 6210 Riverside Avenue Rialto, California	Undated	Unstamped[1]
III-6	John H. Brown 6210 Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-7[1]	Jon P. Kirby 5605 Sycamore Rialto, California 92377	Undated	Not legible in copy
III-8	Keith and Juanita Vaughn 6011 Princeton Court Rialto, California 92377-4035	Undated	Unstamped[1]
III-9	Joan Christensen 5648 Olive Avenue Rialto, California	Undated	Unstamped[1]
III-10	Cythia Brooks 6017 Koa Drive Rialto, California 92377	Undated	Unstamped[1]
III-11	Joe E. Pearson 5528 Larch Avenue Rialto, California	Undated	Unstamped[1]
III-12	La Vonda M-Pearson 5528 Larch Avenue Rialto, California	Undated	Unstamped[1]

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-13	Alice L. Zecchini 5882 Gerenamder Avenue] Rialto, California 92377	Undated	Unstamped[1]
III-14	James P. Zecchini 5882 Geremander Avenue Rialto, California 92377	Undated	Unstamped[1]
III-15[1]	Arman Turadian 5651 Sycamore Street Rialto, California	Undated	Not legible in copy
III-16	Judy Sanford 5779 N. Date Avenue Rialto, California 92377	Undated	Not legible in copy
III-17	Jo Sanford 5779 N. Date Avenue Rialto, California 92377	Undated	Not legible in copy
III-18	Estileen Talbott 5775 N. Olive Avenue Rialto, California 92377	Undated	Unstamped[1]
III-19	Frederick Pou 19692 Rowan Avenue Rialto, California	Undated	Unstamped[1]
III-20	Anita and Robert Schultz 3003 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-21	William Johnson 2345 N. Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-22	Arthur O. Wilson, Jr. 3034 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-23	Catherene Coacha Mueck 3053 N. Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-24	Isaac Bernal 3045 N. Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-25	Sharon Edgens 250 N. Linden, No. 39 Rialto, California 92376	Undated	Unstamped[1]
III-26	Pablo Daniel Coalan 3029 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-27	Lena Marie Borrowman 2645 Via Lindo Drive Rialto, California 92377	Undated	Unstamped[1]

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-28	Louis R. Hernandez 5790 Magnolia Avenue Rialto, California 92377	Undated	Unstamped[1]
III-29	Cheryl C. Hernandez 5790 Magnolia Avenue Rialto, California 92377-3948	Undated	Unstamped[1]
III-30	Guillermina McNerney 5553 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-31	Gil Daab 5569 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-32	Issac Nimmons 2381 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-33	Ronald and Ellen Boroch 5987 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-34	Georgia Theodororou 5661 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-35	Anthony Theodororou 5661 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-36	Nick Theodororou 5661 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-37	Emily Jaramillo 5635 Riverside Avenue Rialto, California	Undated	Unstamped[1]
III-38	Bobbie and Dorothy Rose 5604 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]
III-39	Mary M. Wilson 19130 Knollwood Avenue Rialto, California	Undated	Unstamped[1]
III-40	Pauline Cormaci 2407 N. Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-41	Kenneth White 19673 Rowan Avenue Rialto, California	Undated	Unstamped[1]
III-42	E. Burrietta White 19673 Rowan Avenue Rialto, California	Undated	Unstamped[1]

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-43	Leon F. Mitchell 5647 Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-44	Try Seng and Kheng Vang 2453 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-45	Mr. Santos 19689 Kauri Avenue Rialto, California	Undated	Unstamped[1]
III-46	Ernest C. Atkins 5574 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-47	Iva Rodriquez 5862 Olive Avenue Rialto, California 92377	Undated	Unstamped[1]
III-48	Everett E. Tribbett 5504 N. Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-49	Judy McGowan 5722 Magnolia Court Rialto, California 92377	Undated	Unstamped[1]
III-50	Roger Bishop and Barbara Bishop 5513 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-51	Darryl Rodgers 5611 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-52	Donald Hoffman 5606 Olive Avenue Rialto, California	Undated	Unstamped[1]
III-53	Xochitle Talavera 19125 Knollwood Avenue Rialto, California 92377	Undated	Unstamped[1]
III-54	William Talavera 19125 Knollwood Avenue Rialto, California	Undated	Unstamped[1]
III-55	Juan [Last name is not legible] 5585 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]
III-56	Joe Chesley 5575 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-57	Rachel G. Prieto 5789 Date Avenue Rialto, California 92377	Undated	Unstamped[1]

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-58	John F. Reynolds 5546 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-59	Rosalie Mayers 5857 Magnolia Avenue Rialto, California 92377	Undated	Unstamped[1]
III-60	Elva Pushaugh 5847 Magnolia Avenue Rialto, California 92377	Undated	Unstamped[1]
III-61	Kim Purbaugh 5830 Geremander Avenue Rialto, California	Undated	Unstamped[1]
III-62	Andy Grady 5662 Olive Avenue Rialto, California	Undated	Unstamped[1]
III-63	Jean Morgan Randall 5747 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-64	Fidel Delgadillo and Gabriela Delgadillo 5520 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-65	Cynthia Correa 5597 N. Riverside Avenue Rialto, California	Undated	Unstamped[1]
III-66	Jose Manuel Correa, Sr. 5597 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-67	Eileen Iverson and Mathew Zlorich 2269 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-68	Scott Becker 5731 Magnolia Avenue Rialto, California 92377	Undated	Unstamped[1]
III-69	Alan G. Dyer 5769 Chelsea Court Rialto, California 92377	Undated	Unstamped[1]
III-70	Jose Juan Lee 5541 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-71	Dickie W. Simmons 5549 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]
III-72	Cynthia L. Simmons 5549 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-73	Olga Zahar Walek, Ph.D. 6041 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-74	Perry Walek 6041 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-75	Brian Walek 6041 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-76	Kenneth Boshart 5529 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]
III-77	Lynn Boshart 5529 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]
III-78	Virginia Robinson 2313 N. Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-79	Rhetie Felton 5863 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-80	Elana Martinez 2469 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-81	Ana Maita 5602 Sycamore Avenue Rialto, California 92377	Undated	April 19, 2010
III-82	Angel Herman 5602 Sycamore Avenue Rialto, California 92377	Undated	Not legible in copy
III-83	Robert Christensen 5648 Olive Avenue Rialto, California 92377	Undated	Unstamped[1]
III-84	Ed Puttre 5734 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-85	Eileen Puttre 5734 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-86	Albert K. Martin, DDS 5957 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-87	Dr. Donald E. Odell 5626 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-88	Stefan and Danuta Labus 5591 Cherry Street Rialto, California 92377	Undated	Unstamped[1]
III-89	Sallie Mae Evans 5528 Sycamore Avenue Rialto, California 92377	March 14, 2010	Unstamped[1]
III-90	Jesse Vernon 5562 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-91	Lynda Munemitsu 5529 Sycamore Avenue Rialto, California	Undated	Unstamped[1]
III-92	June Joy Dyer 5769 Chelsea Court Rialto, California 92377	Undated	Unstamped[1]
III-93	Marcia R. Hughes 5645 N. Olive Avenue Rialto, California	Undated	Unstamped[1]
III-94	William Hughes 5645 N. Olive Avenue Rialto, California	Undated	Unstamped[1]
III-95	Michael Lomax 5544 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]
III-96	Michelle Lomax 5544 Larch Avenue Rialto, California 92377	Undated	Unstamped[1]
III-97	Lacy A. Kendall 5790 N. Date Avenue Rialto, California 92377	Undated	Unstamped[1]
III-98	Stephen Mack 5818 Date Avenue Rialto, California 92377	Undated	Unstamped[1]
III-99	Gretchen Hendricks 5795 Date Avenue Rialto, California	Undated	Unstamped[1]
III-100	Michael LaBomme 5795 Date Avenue Rialto, California	Undated	Unstamped[1]
III-101	June Perkins 5823 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-102	Thomas McGraw 5997 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-103	Gregory Redd 5748 Chelsea Court Rialto, California 92377	Undated	Unstamped[1]
III-104	William Morrel 5509 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-105	Daisy M. Martinez 5581 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-106	Dino Hearus 6081 N. Riverside Avenue Rialto, California	Undated	Unstamped[1]
III-107	Kathy Blalock 5883 N. Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-108	Forrest L. Hays, Sr. 5497 N. Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-109	Siofilisi Faiva 6001 Riverside Avenue Rialto, California	Undated	Unstamped[1]
III-110	Pete Munez 5607 Riverside Avenue Rialto, California	Undated	Unstamped[1]
III-111	Robert Bourland 5885 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-112	Alyson Bourland 5885 Sycamore Avenue Rialto, California 92377	Undated	Unstamped[1]
III-113	Phyllis Blackey 19110 Knollwood Avenue Rialto, California 92377	Undated	Unstamped[1]
III-114	Leon F. Mitchell 5647 Riverside Avenue Rialto, California 92377	Undated	Unstamped[1]
III-115	Armen Turadian 5651 Sycamore Avenue Rialto, California 92377	Undated	April 1, 2010
III-116	Lynda Munemistu 5529 Sycamore Avenue Rialto, California 92377	April 3, 2010	April 8, 2010
III-117	Susan Lewis 1547 West Norwood Avenue Rialto, California 92377	April 3, 2010	April 13, 2010

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-118	Susan Lewis 1547 West Norwood Avenue Rialto, California 92377	April 3, 2010	April 13, 2010
III-119	Carole Bilsito 5704 Sycamore Drive Rialto, California 92377	Undated	April 5, 2010
III-120	Gilbert Daab [No return address is provided in these written comments[5]]	April 5, 2010	Unstamped
III-121	Gilbert Daab [No return address is provided in these written comments[5]]	April 5, 2010	April 7, 2010
III-122	Gilbert Daab [No return address is provided in these written comments[5]]	Undated	April 7, 2010
III-123	Joe Chesley 5575 Sycamore Rialto, California 92376	March 25, 2010	April 7, 2010
III-124[2]	Joseph E. Chesley 5575 Sycamore Rialto, California 92376	April 9, 2010	April 12, 2010
III-125[2]	Joseph E. Chesley 5575 Sycamore Rialto, California 92376	April 10, 2010	April 13, 2010
III-126[2]	Joe Chesley 5575 Sycamore Rialto, California 92376	April 12, 2010	April 13, 2010
III-127	Maria Cramer 5886 Sycamore Avenue Rialto, California 92377-3910	April 11, 2010	April 13, 2010
III-128	Lynn Boshart 5529 Larch Avenue Rialto, California 82377	April 12, 2010	April 12, 2010
III-129	James A. Schmitt 5667 Sycamore Avenue Rialto, California 92377	Undated	April 12, 2010
III-130	James A. Schmitt 5667 Sycamore Avenue Rialto, California 92377	April 12, 2010	April 12, 2010
III-131	James A. Schmitt 5667 Sycamore Avenue Rialto, California 92377	April 12, 2010	April 12, 2010
III-132[3]	Lynn Boshart [No return address is provided in these written comments[5]]	Undated	Unstamped
III-133	Melvin Myers 5651 Olive Avenue Rialto, California 92377	Undated	April 13, 2010

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-134	Tracey Robinson-Myers 5651 Olive Avenue Rialto, California 92377	Undated	April 13, 2010
III-135	Michael and Maria Kort 5761 Sycamore Avenue Rialto, California 92377	April 12, 2010	April 13, 2010
III-136	Sofia Lee 5755 Sycamore Avenue Rialto, California 92377	April 12, 2010	April 13, 2010
III-137	Billy C. Henry 5659 Sycamore Avenue Rialto, California 92377	April 12, 2010	April 14, 2010
III-138	Mr./Mrs. C.W. Pound 5599 Sycamore Avenue Rialto, California	April 12, 2010	April 14, 2010
III-139	Daniel C. Jost 5673 Sycamore Avenue Rialto, California	April 12, 2010	April 14, 2010
III-140	Henry E. Meyer and Judith O. Meyer 5637 Sycamore Avenue Rialto, California	April 12, 2010	April 14, 2010
III-141	Virginia and Jon Bradley 5687 Sycamore Avenue Rialto, California	April 12, 2010	April 14, 2010
III-142	Virginia Bradley 5687 Sycamore Avenue Rialto, California	April 12, 2010	April 14, 2010
III-143	Terry Martin 5815 Sycamore Avenue Rialto, California	April 12, 2010	April 14, 2010
III-144	Emily M. Munez 5607 Riverside Avenue Rialto, California 92377	April 12, 2010	April 14, 2010
III-145	Cornel Jay Brothersan 6356 N. Lilac Avenue Rialto, California	Undated	April 14, 2010
III-146	Irene Morse 230 Winslow Avenue Rialto, California	Undated	April 14, 2010
III-147	Steve Loe 12569 Fifth Street Yucaipa, California 92399	Undated	April 15, 2010
III-148	Marcia Lentz 5605 Larch Avenue Rialto, California 92377	Undated	April 15, 2010

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-149	Johne Boone 6356 N. Lilac Avenue Rialto, California	Undated	April 15, 2010
III-150	Charles J. Boone 6356 N. Lilac Avenue Rialto, California	Undated	April 15, 2010
III-151	Casey Jones 1033 Norwood Rialto, California	Undated	April 15, 2010
III-152	Cindy Phillip 19491 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-153	Errol Phillip 19491 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-154	Damon DeNecochea 19491 Cheshire Street Rialto, California	Undated	April 15, 2010
III-155	Eric Van Hek 19537 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-156	Jaime Micelotti 19537 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-157	Gary Kelley 19507 Cheshire Street Rialto, California	Undated	April 15, 2010
III-158	Steve Rodriquez 19463 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-159	Hannia Rodriquez 19463 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-160	Javier De La Torre 5698 Sycamore Avenue Rialto, California 92377	Undated	April 15, 2010
III-161	Similzinia De La Torre 5698 Sycamore Avenue Rialto, California 92377	Undated	April 15, 2010
III-162	Bobbie J. Rose 5604 Larch Avenue Rialto, California 92377	Undated	April 15, 2010
III-163	Leland Baker 5915 Magnolia Avenue Rialto, California	Undated	April 15, 2010

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

No.	Commentor	Comment Letter/Email	
		Dated	Received
Written Comments by Individuals (Continued)			
III-164	Shirley Baker 5915 Magnolia Avenue Rialto, California	Undated	April 15, 2010
III-165	Liliana Maita 5804 Olive Avenue Rialto, California	Undated	April 15, 2010
III-166	Victor Maita 5602 Sycamore Avenue Rialto, California	Undated	April 15, 2010
III-167	Maria Maita 5602 Sycamore Avenue Rialto, California	Undated	April 15, 2010
III-168	Lizzie R. Kelly 19507 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-169	Margarida Valdez 19475 Cheshire Street Rialto, California 92377	Undated	April 15, 2010
III-170	Paul Bishett 19508 Cheshire Street Rialto, California	Undated	April 15, 2010
III-171	Ross Baker 5915 Magnolia Avenue Rialto, California	Undated	April 15, 2010
III-172	Karen Odell-Clements 33252 Lotus Avenue Yucaipa, California 92399	Undated	Not legible in copy
III-173	Loren Rohde 5797 N. Sycamore Avenue Rialto, California 92377-3966	April 12, 2010	April 19, 2010
III-174	Marjorie S. Coohey 5807 N. Sycamore Avenue Rialto, California 92377	April 12, 2010	April 19, 2010
III-175	Albert Kelley P.O. Box 844 Redlands, California 92373	April 15, 2010	April 15, 2010
III-176	Mary H. McCombs 5702 Riverside Avenue Rialto, California 92377	April 15, 2010	April 19, 2010
III-177	Justin Wood 239 Ramona Avenue Claremont, California 91711	April 15, 2010	April 19, 2010
III-178[4]	Ann Farooji 2423 N. Sycamore Avenue Rialto, California 92377	April 22, 2010	April 26, 2010

Table 1 (Continued)
LIST OF COMMENTORS – WRITTEN TESTIMONY

Notes:
1. Submitted as part of a group of comments presented to the Lead Agency such that only the first entry of that group was date stamped.
2. Multiple copies of this letter were submitted to the Lead Agency and were received and date stamped on different dates. Only the letter first received by the Lead Agency is cited herein.
3. The commentor is the "Chair of the El Rancho Verde Municipal Advisory Council of San Bernardino County" (MAC) but, because the letter is not sent on letterhead and because the commentor is also "a resident of El Rancho Verde County Club Estates," the Lead Agency has assumed that these comments are being submitted as a private party and not the formal comments of the MAC.
4. Late comments received after the published closure date of the noticed comment period.
5. No return address is provided in the referenced set of comments. Although the commentor may have submitted separate correspondence where an address is provided, the Lead Agency has not sought to presume an address when no address is expressly stated.

Source: City of Rialto Development Services Department

1.5.1 New State CEQA Guidelines Addressing GHG Emissions

As required by Senate Bill 97 (Chapter 185, 2007), the Governor's Office of Planning and Research developed and drafted recommended amendments (CEQA Amendments) to the State CEQA Guidelines for addressing greenhouse gas (GHG) emissions and submitted them to the Secretary for Natural Resources on April 13, 2009. The CEQA Amendments were developed to provide guidance to public agencies regarding the analysis and mitigation of GHG emissions and the effects of GHG emissions in draft CEQA documents. On July 3, 2009, the Natural Resources Agency commenced the Administrative Procedure Act rulemaking process for certifying and adopting the Amendments pursuant to Section 21083.05 of the Public Resources Code. Following a public comment period, two public hearings, and in response to comments, the Natural Resources Agency proposed revisions to the text of the CEQA Amendments. The Natural Resources Agency transmitted the adopted amendments to the Office of Administrative Law (OAL) on December 31, 2009. On February 16, 2010, the OAL approved the Amendments and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010.

The Lead Agency filed its NOC of the DEIR for the LCRSP with the State Clearinghouse on February 26, 2010. On March 1, 2010, the Lead Agency published the NOA announcing the availability of the DEIR and setting a 45-day public comment period extending from March 1, 2010 until April 15, 2010. The DEIR was completed and publicly disseminated prior to the date that the CEQA Amendments became effective. Nevertheless, the DEIR undertook a thorough quantified analysis of the GHG emissions anticipated to result from the proposed project's construction and operational activities. In that analysis, the project's GHG emissions were analyzed with respect to the project's potential impacts on global climate change (pp. 4.7-105 to 4.7-190). The DEIR concludes that implementation of the proposed project would result in a less-than-significant impact to global climate change.

Recirculation of an EIR is only required when "significant new information is added to the EIR." Because the Amendments did not go into effect until March 18, 2010, the DEIR was not required to conduct an analysis of the proposed project's impacts on global climate change pursuant to the procedures required by the CEQA Amendments. Accordingly, no new information has been added to the EIR on this issue and recirculation is not required.

1.5.2 Removal of "Village Center Commercial Overlay" and "General Warehousing Overlay" and Revision to Mitigation Measure 1-1

Comments made during the public comment period raised concerns that the use of the proposed "General Warehousing Overlay" and/or "Village Center Commercial Overlay" in various zoning districts of the proposed LCRSP could cause air quality and health risk impacts to sensitive receptors that were not fully disclosed in the DEIR. The DEIR included the "General Warehousing Overlay" (GW Overlay) and "Village Center Commercial Overlay" (VC Overlay) for informational purposes only to describe hypothetical, but still highly speculative, future development scenarios. The DEIR was not intended to provide the full environmental review under CEQA that would be necessary for the GW Overlay and/or the VC Overlay. To avoid any potential confusion that could arise from the DEIR's informational discussion of the GW Overlay and VC Overlay, both the CEQA analysis and the LCRSP have removed all references to the GW Overlay and VC Overlay to make it clear that these speculative uses are not part of the current project or the current CEQA review.

Additional comments raised concerns that Mitigation Measure 1-1, which is intended to mitigate land-use incompatibility impacts from the various land uses contemplated by the proposed LCRSP, might be waivable even for uses that have the potential to cause air quality or health risk impacts. That was not the Lead Agency's intent. However, in order to avoid any potential confusion and clarify its requirements, Mitigation Measure 1-1 has been revised to make clear that it cannot be waived and that the review process under Mitigation Measure 1-1 must be performed in accordance with the FEIR.

Neither the removal of all references to the GW Overlay and the VC Overlay from both the EIR and the LCRSP nor the revision to Mitigation Measure 1-1 require recirculation of the EIR. Neither of these revisions reveal any new substantial impact or a substantially increased impact on the environment. Rather, they lessen any potential impact on the environment by eliminating the possibility, though highly speculative nonetheless, of various industrial and commercial uses being sited in close proximity to sensitive receptors, as well as by ensuring that proper environmental review is required for proposed uses in the LCRSP. Moreover, these revisions were done for clarification purposes and to avoid public confusion.

As stipulated under Section 15088.5(b) of the State CEQA Guidelines: "Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

1.5.3 New Mitigation Measure 4-5

Comments made during the public comment period requested that additional information be provided addressing the direct, indirect, and cumulative impacts associated with the proposed levee to protect the mining operation. The levee, referred to herein as the Cemex USA levee, is an existing levee, however, this levee in its current condition requires additional repairs to protect its South Pit (South Pit Levee Repairs). Permits have been issued to Cemex USA to conduct the South Pit Levee Repairs to the Cemex USA levee by the California Department of Fish and Game (CDFG), the United States Army Corps of Engineers (USACE), and the Regional Water Quality Control Board, Santa Ana Region (SARWQCB), and it is fully anticipated that Cemex USA will repair the levee in accordance with these regulatory authorizations.

Separate and apart from the South Pit Levee Repairs which are expected to be undertaken by Cemex USA, the project includes, as an off-site component, levee improvements extending approximately 2,000 linear feet on property owned by Cemex USA, which would then tie into the existing levee on Cemex USA property. The impact of these levee improvements were analyzed in the DEIR. If, for some reason, Cemex USA has not completed its South Pit Levee Repairs in accordance with the issued regulatory permits and authorizations by the time the LCRSP project begins construction of the off-site 2,000 linear foot levee improvement on Cemex USA property, then the Applicant would conduct or complete the South Pit Levee Repairs. In order to ensure and clarify that the South Pit Levee Repairs will be made by the time project construction in either Neighborhoods II or III commences, a new Mitigation Measure 4-5 has been added. This measure ensures that people and structures are not subjected to significant flood hazards by ensuring that the South Pit Levee Repairs have been made by the time the project's armored revetment is being constructed in Neighborhoods II or III to protect development of property in those neighborhoods.

Mitigation Measure 4-5 provides that, if Cemex USA has not completed the repairs to its South Pit levee for which it obtained authorizations under Streambed Alteration Agreement 1600-2006-0256-R6 and Nationwide Permit No. 3 (USACE No. SPL-2006-1460) by the time that the Applicant is constructing its revetment for Neighborhoods II or III, subject to the existing agreement between Cemex USA and the Applicant, the Applicant shall undertake those repairs to the Cemex USA levee in connection with the Applicant's other off-site improvements to approximately 2,000 linear feet of the Cemex USA levee adjacent to Neighborhood II.

The impacts to biological resources (habitats species, and jurisdictional waters) associated with the South Pit Levee Repairs were analyzed as part of the CDFG, USACE, and SARWQCB authorizations for these repairs. Impacts to biological resources are described and analyzed in the May 18, 2010 technical memorandum from PCR Services Corporation (PCR), included in Appendix IV-F (PRC May 18, 2010 Technical Memorandum) herein. PCR concluded that after considering all of the impacts to biological resources that would result from the South Pit Levee Repairs and adding those impacts to the project impacts analyzed in the DEIR, the addition of these impacts does not result in any change to the findings regarding the significance of project-related impacts to the area's biological resources.

1.5.4 Revision to Preliminary Determination 4-8

Comments made during the public comment period raised concerns that the DEIR's assessment of cumulative hydrology and water quality impacts resulting from the proposed project, in conjunction with foreseeable related projects, should preliminarily designate such impacts "potentially significant unless mitigation incorporated" rather than as "less than significant."

The DEIR acknowledged that the proposed project itself had the potential to contribute stormwater pollutants to Lytle Creek unless treatment control Best Management Practices (BMPs) and recommended mitigation measures were implemented. The DEIR also stated that (under Mitigation Measure 4-2) the proposed project would implement a number of source control BMPs during the project's operational life and that (under Mitigation Measure 4-3) regular monitoring of these long-term BMPs will be required as an ongoing project obligation. Based on that, the DEIR concluded that Environmental Impact 4-5 would be reduced to a less-than-significant level after mitigation.

With regard to cumulative impacts, however, the DEIR took a somewhat different approach. Based on the fact that the proposed project was designed to include the BMPs noted above and on the fact that existing mitigation measures ensured that those BMPs would be implemented, in the cumulative impacts assessment the DEIR treated the project as already including those BMPs. The DEIR also noted that the related projects in the general project area that were considered as part of the DEIR's cumulative impact analysis would also be legally required to implement various structural and treatment control BMPs to reduce potential impacts from stormwater and non-stormwater runoff. Based on that, the DEIR deemed the project's potential contribution to cumulative impacts as not significant.

A commentor, however, stated that it would have been preferable if the proposed project's potential contribution to cumulative impacts be preliminarily designated as "potentially significant unless mitigation is incorporated." The comment did not state that the project's potential contribution to cumulative impacts would be significant after the required mitigations were implemented, rather the comment only appeared to state that it would be preferable that the potential cumulative impact be labeled "potentially significant" and then note that the BMPs that are already included as mitigation measures have mitigated that potential cumulative impact to a level below significance. While the DEIR's approach was appropriate and has the same substantive result that the commentor sought, to be responsive to this comment, the labeling in the FEIR has been changed to describe Environmental Impact 4-8 as "potentially significant unless mitigation is incorporated" and then to note that sufficient mitigation measures have been included to result in no significant cumulative impact after mitigation.

The proposed revision to Preliminary Determination 4-8 does not require recirculation of the EIR. As noted above, this revision resulted from a public comment on the DEIR and, thus, the EIR has not been changed in a way that deprives the public of a meaningful opportunity to provide comments on the proposed project. This revision does not result in a new substantial impact or a substantially increased impact on the environment; instead, the revision has the same substantive result as the original preliminary determination set forth in the DEIR.

1.5.5 New Mitigation Measure 5-9

Comments made during the public comment period raised concerns that the proposed project would involve the take of various State-listed and/or Federally-listed species. These comments stated that historically, the slender horned spineflower, least Bell's vireo (LBV), southwestern willow flycatcher (SWWFL), and coastal California gnatcatcher (CCGN) have been observed on the project site but were not discovered in recent focus surveys. The DEIR examined the project site for each of these species and described their status relative to the project site in Section 4.5.3.2 (Local Setting) in Section 4.5 (Biological Resources) of the DEIR. The DEIR adequately describes existing conditions of the project site relative to these species, for which multiple years of surveying have been conducted.

In order to alleviate concerns of commentors, the Lead Agency has incorporated a new mitigation measure (Mitigation Measure 5-9) into the EIR. Mitigation Measure 5-9 requires that, prior to the commencement of any ground-disturbance activities in areas containing suitable or potentially suitable habitat, the Applicant shall conduct one additional field survey for the slender horned spineflower, LBV, SWWFL, and CCGN. Should individuals of any of these species be found to occupy the proposed area of disturbance, prior to the commencement of those activities, the Applicant shall obtain any requisite incidental take authorization in accordance with the requirements of the federal Endangered Species Act.

The addition of Mitigation Measure 5-9 does not constitute significant new information requiring its recirculation. There is no new substantial impact or a substantially increased impact on the environment as a result of this new mitigation measure. Moreover, Mitigation Measure 5-9 resulted from a public comment on the EIR, and thus the EIR has not been changed in a way that deprives the public of a meaningful opportunity to provide comments on the Project. In addition, Mitigation Measure 5-9 has been formulated to address Environmental Impact 5-7, which the DEIR concludes would be potentially significant unless mitigation is incorporated. In the DEIR, the Lead Agency already formulated several mitigation measures to address Environmental Impact 5-7, including Mitigation Measures 5-4 through 5-7. These mitigation measures, independent of Mitigation Measure 5-9, would reduce Environmental Impact 5-7's potentially significant impact to a less than significant level (pp. 4.5-120 through 4.5-141.) Accordingly, based on the above, the addition of Mitigation Measure 5-9 does not require recirculation of the EIR.

1.5.6 New Mitigation Measure 5-10

Comments made during the public comment period raised concerns regarding the participation by Cemex USA's participation in the project's groundwater recharge program and whether the surface water diversion for groundwater recharge at the Cemex USA pits may result in direct and cumulative adverse impacts to the resources of Lytle Creek and the Santa Ana River downstream by reducing in-stream flow. As more fully discussed herein, one or more member agencies of the Lytle Creek Water Conservation Association (LCWCA) have been conducting water diversion, water spreading, and groundwater recharge operations for most of the last 100 years in the reach of Lytle Creek where the LCRSP and the Cemex USA pits are located pursuant to a blanket easement granting such rights over a large area of Lytle Creek and the immediate vicinity, including the Cemex USA mining operations. During the winter storms of 2004/2005, approximately 43 acres of recharge basins operated by LCWCA were damaged. LCWCA intends to continue to exercise its water diversion and water recharge rights by using a portion of the Cemex USA North and South Pits and Cemex USA has agreed to participate in the LCWCA recharge program (see DEIR, p. 4.4-99). LCWCA intends to exercise its water diversion and groundwater recharge rights by working cooperatively with Cemex USA, such that Cemex USA will mine one of the two pits (North Pit or South Pit) while LCWCA is conducting groundwater recharge in the opposite pit.

As a result of the 2004/2005 storm events, the potential has been created for water in Lytle Creek to be diverted into the Cemex USA South Pit without any flow control (such as would be provided by the two (as opposed to three described in the DEIR) intake pipes and control valves). Under existing conditions, LCWCA could exercise its spreading rights using the diversion pipes and valves at the Cemex USA North Pit, although this would likely create a conflict with Cemex USA's desire to continue mining the North Pit at present. Presumably, however, LCWCA is accomplishing some surface water diversion and groundwater recharge by virtue of the damaged Cemex USA levee at the South Pit and the new surface flows that now would be diverted into the Cemex USA South Pit before rejoining Lytle Creek. The South Pit Levee Repair will stop this relatively uncontrolled water diversion and flow into the South Pit and replace that condition and the recently damaged spreading basins with an approximately 80-acre recharge basin in the South Pit and two 36-inch diameter inlet pipes and control valves in the repaired South Pit levee.

Pacific Advanced Civil Engineering (PACE) and PCR analyzed the impact of the installation of the two inlet pipes in the South Pit levee for surface flow diversion and groundwater recharge on

the biological resources of Lytle Creek and the Santa Ana River downstream in terms of the potential for reducing in-stream flows and water availability in such a manner as could adversely impact fish and wildlife habitat and aquatic resources in those areas. Those analyses are provided in the PACE May 13, 2010 technical memorandum (Appendix IV-D) and PCR May 17, 2010 technical memorandum (Appendix IV-F) herein.

These analyses conclude that: (1) the average daily flow in this area of Lytle Creek during a 26-year studied period was 41 cubic feet/second (cfs); (2) LCWCA's recharge program provides that water in Lytle Creek would not be diverted unless the minimum flow rate in the creek exceeds 80 cfs; (3) based on historical trends, diversions of water would, on average, only occur during a little less than 10 percent of the days in a given year; and (4) the two inlet pipes would have a limited diversion capability (or spreading rate) of 75 cfs, which is small in comparison to flow rates in Lytle Creek delivered during large storm events. In light of these conclusions, and given that water diversion and recharge have been occurring in this portion of Lytle Creek for roughly 100 years, the amount of water to be diverted and the conditions under which water would be diverted are not expected to have a significant adverse impact to downstream aquatic resources or fish and wildlife habitat. To ensure that surface water diversion and groundwater recharge, which may be associated with the installation of the two inlet pipes and control valves in connection with the South Pit Levee Repair, do not have a significant, indirect adverse impact on downstream biological resources, Mitigation Measure 5-10 has been formulated to ensure that any surface water diversion does not occur until a minimum surface flow threshold had been exceeded to ensure that downstream water flows will not be significantly impacted during the non-wet months as a result of water diversion for groundwater recharge to the South Pit.

Mitigation Measure 5-10 provides that, if the Applicant is required to complete the levee repair work in Mitigation Measure 4-5, then prior to any ground disturbance for construction in Neighborhoods II or III, the Applicant shall first obtain binding assurances, acceptable to the City, from the LCWCA or its relevant member agencies, that no water diversions will be made by LCWCA member agencies using the inlet pipes to be installed in the Cemex USA South Pit levee unless the daily flow in Lytle Creek through the project site exceeds 80 cfs.

The analysis provided in the PACE May 13, 2010 technical memorandum (Appendix IV-D) and the PCR May 17, 2010 technical memorandum (Appendix IV-F), regarding this potential impact and the addition of Mitigation Measure 5-10, does not result in any change to the findings regarding the significance of project-related impacts to biological resources.

1.5.7 New Mitigation Measure 6-7

As a result of comments received from Vulcan Materials Company, an adjacent landowner, a new mitigation measure to address potential circulation conflicts during construction activities is recommended for adoption. Mitigation Measure 6-7 requires that, prior to use by the Applicant of the off-site access road owned by the County connecting Neighborhood II to Highland Avenue, the Applicant shall meet with Vulcan Materials Company (Vulcan) representatives and develop a traffic management plan acceptable to Vulcan for the Applicant's use of that roadway to allow Vulcan safe, uninterrupted use of the roadway for its commercial mining purposes. Such plan will outline the Applicant's proposed uses and times of usage.

Environmental Impact 6-2 analyzed the impact of construction activities and construction traffic on adjacent occupied properties and mitigation was formulated requiring the preparation of a

construction traffic management plan (Mitigation Measure 6-3) that would address traffic control on public streets. The project may potentially use an existing access road, known as the "Island Levee" access road, that connects to Highland Avenue during construction. Vulcan has a license from San Bernardino County Flood Control for their haul trucks to use this access road as the transfer route between its adjacent primary crusher station and its sand and gravel processing plant. In order to use this access road for construction trip, the Applicant would be required to obtain authorization from SBCFCD to use this access road. To avoid any potential conflict issues arising from the use of this private access road by two private parties, Mitigation Measure 6-7 is recommended. This new measure does not constitute significant new information in that it is not a new significant environmental impact nor does it result in a substantial increase in the severity of the impact, and a feasible mitigation measure has been identified to address any potential conflicts which the Applicant will implement, if it is adopted by the Lead Agency.

1.5.8 Revision to Wastewater Environmental Impact 10-5

In conducting the analysis of the project's impact on the long-term demand on available wastewater treatment facilities, the City of Rialto's sewer generation rates were inadvertently used for calculations for Neighborhood I. While the rest of the project's wastewater would be treated at the City-operated Rialto Wastewater Treatment Plant (501 E. Santa Ana Avenue, Rialto), as proposed, the wastewater from Neighborhood I would be treated at the San Bernardino County Special Districts Department's Lytle Creek North Wastewater Recycling Plant (18101 Institution Road, San Bernardino), in unincorporated San Bernardino County. Because this portion of the project's wastewater will be treated at a County-operated facility, the County requested that the County's wastewater generation rates and not the City's wastewater generation rates be used to calculate the projected average daily wastewater flows originating from Neighborhood I. This updated analysis was conducted by Otte-Berkeley Groupe, Inc. and the County average daily and peaked wastewater flows were added to the discussion presented in the DEIR (pp. 4.9-58 and 4.9-59).

Based on the City's wastewater generation rates, total estimated average daily and peaked flows from Neighborhood I was calculated to be 0.209 and 0.721 million gallons per day (mgd). In comparison, using the County's wastewater generation rates, total estimated average daily and peaked flows from Neighborhood I were 0.321 mgd and 0.899, respectively. As indicated in the August 2004 "Wastewater System Agreement," as executed by the County, the Lytle Development Company, and Pulte Home Corporation, 0.79 mgd of average daily reserve capacity was retained at the Lytle Creek North Wastewater Recycling Plant to accommodate projected flows from the area comprising Neighborhood I. Since average daily flows (0.209 mgd using City rates or 0.321 mgd using County rates) remain less than the reserved capacity at the Lytle Creek North Wastewater Recycling Plant (0.79 mgd), independent of the rates utilized, no significant wastewater conveyance and/or treatment impacts are anticipated from the development of Neighborhood I.

As the revised Neighborhood I wastewater generation numbers remain substantially below the amount of reserved capacity that the Applicant has contracted for at the Lytle Creek North Wastewater Recycling Facility, no new impact was identified using County generation rates and no additional or revised mitigation is required or recommended.

1.6 Independent Judgment

The Lead Agency has thoroughly considered each of the comments received and has formulated a technical response to each of the issues, concerns, and inquires raised in written correspondence submitted to the Lead Agency with regards to the proposed project. The information and analysis presented in this RTC, in combination with that presented in the DEIR and in such additional documentations as may be added by the Lead Agency's advisory and decision-making bodies, reflects the independent judgment of the Lead Agency relative to the direct, indirect, and cumulative environmental impacts attributable to the proposed project.

By their very nature and timing, comments presented to the Lead Agency following the dissemination of the NOC and DEIR and publication of the NOA can be construed as constituting new information provided by governmental agencies, the general public and other stakeholders for consideration by the Lead Agency's advisory and decision-making bodies. As specified in Section 15088.5(a) of the State CEQA Guidelines, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. None of the information presented in response to the Lead Agency's actions and none of the analysis prepared by the Lead Agency and provided herein, however, reveal the existence of any new significant environmental effects not previously identified in the DEIR or substantially increase the severity of any previously identified environmental impacts. Similarly, none of the new information identify a feasible project alternative and/or mitigation measure, considerably different from others previously analyzed, which would clearly lessen the significant environmental impacts of the proposed project but which the project's proponents declined to adopt. None of the comments received by the Lead Agency demonstrate that the DEIR was fundamentally and basically inadequate and conclusory in nature, such that meaningful public review and comment was precluded. As documented by substantial evidence in the administrative record, based on the information received to date, no factual basis exists to predicate the need to recirculate the DEIR pursuit to Section 15088.5 of the State CEQA Guidelines.

2.1 Introduction to Changes, Revisions, and Modifications

Based on the comments received by the Lead Agency during the noticed comment period, as separately established by the Lead Agency and by the SCH, the City has augmented the information and analysis presented in the DEIR in response to those comments and the Lead Agency's continuing technical analysis of the proposed project. The changes, revisions, and other modifications to the DEIR identified herein serve only to clarify and augment the information and analysis previously provided by the Lead Agency.

None of the additional information presented herein constitute "substantial new information" predicating recirculation of the DEIR pursuant to Section 15088.5 of the State CEQA Guidelines. Recirculation of the DEIR is not required when the new information merely clarifies or amplifies or makes insignificant modifications to an otherwise adequate document. The additional information presented herein fails to meet the standard for recirculation as prescribed in the State CEQA Guidelines.

2.2 Additional Information

Based on those written comments received by the Lead Agency, new technical analyses were prepared by the Lead Agency and by the Applicant in order to clarify and/or amplify upon certain environmental analyses presented in the DEIR. Those analyses submitted to the Lead Agency by the Applicant were independently reviewed and subsequently accepted by the City. The new technical reports, information, and analyses listed below do not constitute "substantial new information" resulting in any changes in impact conclusions. Specifically, the additional reports, information, and analyses do not result in either a new significant impact or a substantial increase in the severity of an environmental impact (Section 15088.5, State CEQA Guidelines).

- PACE Advanced Water Engineering, PACE Response to Comments on Lytle Creek Ranch Specific Plan Draft EIR, May 5, 2010 (see Appendix IV-C).
- PACE Advanced Water Engineering, Discussion of CEMEX Spreading Basins and Groundwater Recharge, May 13, 2010 (Appendix IV-D).
- PCR Services Corporation, Effects of Surface Water Diversion on Downstream Biological Resources, May 17, 2010 (Appendix IV-E).
- PCR Services Corporation, Potential Biological Impacts from CEMEX Levee Repairs, May 18, 2010 (Appendix IV-F).
- Glen Lukos Associates, Lytle Creek Ranch Project; Located in the City of Rialto and Unincorporated San Bernardino County, California: Response to California Department of Fish and Game Comment Letter, May 11, 2010 (see Appendix IV-H).
- PACE Advanced Water Engineering, Errata Sheet – Preliminary Master Plan of Drainage and Stormwater Management – Lytle Creek Ranch Project May 17, 2010 (see Appendix IV-G).
- PCR Services Corporation, Air Quality Assessment Technical Report: Localized Operational Analysis, May 2010 (see Appendix IV-I).
- PCR Services Corporation, Lytle Creek Ranch Specific Plan – Information I Response to Comments on Draft EIR, May 17, 2010; Letter from Dr. Mark Brunell, dated May 16, 2010 (see Appendix IV-J).
- Crain & Associates, Expanded Traffic Impact Analysis Information for Lytle Creek Ranch Specific Plan, May 18, 2010 (see Appendix IV-K).

2.3 Changes, Revisions, and Other Modifications

2.3.1 Draft Environmental Impact Report

Based on written comments received on the DEIR and the Lead Agency's responses thereto, the following changes, revisions, and other modifications to the DEIR are hereby recommended. Recommended deletions are identified through the use of ~~strikeouts~~ and recommended additions to the document's text are indicated through the use of underlining. Unless otherwise noted, page references are with regards to the DEIR. Footnotes found in the DEIR have not been repeated herein (other than through inclusion in the cited text) but are nonetheless retained. All footnotes presented in any deleted text are also deleted in the DEIR.

Underlining has also been used herein, primarily in Section 3.0 (Response to Comments), to identify specific section numbers and responses cited in this document. This use of underlining is not intended to reflect changes, revisions, and other modifications in the DEIR but to assist the reader in identifying and finding those section number and responses herein and to assist the Lead Agency in the production of this document. Paragraph numbers commences at the top of the page and includes partial paragraphs. For the purpose of paragraph numbering, "bulleted" items are assumed to constitute a single paragraph.

Executive Summary

Project Description (p. 3)

The following minor changes are made to the Executive Summary (Project Description):

First, Second, Third, and Fourth Paragraphs

- Neighborhood I. Neighborhood I will contain approximately 417.2 acres. A portion of this neighborhood, commonly referred to as "Sycamore Creek East" (Sycamore Flat) and "Sycamore Creek West" (Sycamore Canyon), is located within but extracted from the boundaries of the 3,400-acre County-approved "Glen Helen Specific Plan" (GHSP). The remaining land includes acreage located within but extracted from the boundaries of County-approved "Lytle Creek North Planned Development Project" (LCNPD or Tract 15900), currently being marketed as Rosena Ranch. Once approved, the LCRSP will supersede portions of the County-approved GHSP and LCNPD. As proposed, those planning areas (PAs) which will be removed from those County-approved plans include, but may not be limited to: (1) PAs 1-15, as illustrated in the proposed LCRSP; and (2) PAs 1-7, 14, and a portion of PA 13, as illustrated in the approved LCNPD. In addition to open space, the primary land use in Neighborhood I is single-family residential. ~~A portion of Neighborhood I contains a "General Warehousing Overlay" (GW Overlay). In lieu of the underlying land use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.~~

- Neighborhood II. Neighborhood II is planned as a gated, active-adult community on approximately 801.8 acres and will include the entire 221-acre City-approved "El Rancho Verde Specific Plan" (ERVSP) area and

the El Rancho Verde Royal Vista Golf Course. If approved, the land-use and related plans and policies presented in the LCRSP will supersede those contained in the ERVSP. Areas to be removed from the adopted ERVSP include a portion of PA 95 and all of PAs 96-103 of the proposed LCRSP. In addition to open space, the primary land uses in this neighborhood are single-family residential, multi-family residential, and commercial. Portions of Neighborhood II contain a "Single Family Residential Overlay" (SFR Overlay)~~,~~ and "High Density Residential Overlay" (HDR Overlay)~~, and "Village Center Commercial Overlay" (VC Overlay)~~.

- Neighborhood III. Neighborhood III is located south of the I-15 Freeway and will primarily include a mix of single-family and multi-family residential uses, school sites, and commercial development on approximately 968.8 acres. Portions of Neighborhood III contain a ~~GW Overlay, SRF~~ SFR Overlay, HDR Overlay~~, VC Overlay~~, and Park Overlay. In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.

- Neighborhood IV. Neighborhood IV will consist primarily of multi-family residential and commercial development on 259.5 acres located north of the I-15 Freeway. ~~A portion of Neighborhood IV contains a GW Overlay. In lieu of the underlying land use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.~~

Discretionary Permits and Approvals (p. 5)

The following minor changes are made to the Executive Summary (Discretionary Permits and Approvals):

Second Paragraph

Permits and approval associated with the proposed project include, but may not be limited to: (1) amendments to the "City of Rialto General Plan" (City General Plan), including its Land Use Element, Circulation Element, Open Space Element; (2) ~~amendments to the San Bernardino Local Agency Formation Commission (LAFCO) approved and City-adopted Sphere of influence; (3)~~ amendments to the City's Official Land Use Zoning Map; (4~~3~~) text and map revisions to the "City of Rialto Municipal Code" (City Municipal Code); (5~~4~~) adoption by ordinance of the "Lytle Creek Ranch Specific Plan"; (6~~5~~) approval of vesting and non-vesting tentative subdivision maps, street and utility easements, and other subdivision activities, including an "A" level map for financing purposes only; (7~~6~~) approval of a pre-annexation development agreement with the Applicant that will become a development agreement pursuant to Section 65864 et seq. of the CGC upon annexation of the project site to the City; and (8~~7~~) changes of organization and reorganizations, including, but not limited to, annexation or phased annexation of those portions of the LCRSP area currently in the County to the City, annexation and/or detachment of project lands into or

from existing County districts and service area, and associated reorganization of existing governmental services, including reorganization of existing County Service Area 70-GH, which is an improvement zone of the parent County Service Area, ~~and Improvement District GH (CSA 70-GH),~~ detachment from the San Bernardino County Fire Protection District and its Valley Service Zone, approval of out-of-service-area agreements for certain public services, and annexation of portions of the project site into the WVWD.

Project Alternatives (p. 15)

The following minor changes are made to the Executive Summary (Project Alternatives):

Fourth Paragraph

As proposed, the LCRSP project will necessitate concurrent revisions to the City General Plan and ~~County General Plan, as well as concurrent revisions to the~~ City Municipal Code ~~and County Development Code~~. The County may seek to amend the County General Plan and County Development Code to remove the project site or relevant portions thereof but such actions are not necessary to implement the project approvals, including annexation.

Issues to be Resolved – Land Use-Related Issues (p. 25)

The following minor changes are made to the Executive Summary (Issues to be Resolved – Land Use-Related Issues):

Second Paragraph

◊ "Industrial," "manufacturing," and "heavy commercial" uses. As authorized under the proposed LCRSP, certain types of "industrial," "manufacturing," and "heavy commercial" uses would be permitted or conditionally permitted within the "Village Center Commercial (VC)" zoning district ~~and/or "General Warehousing Overlay."~~ The terms "industrial," "manufacturing," and "heavy commercial" are not, however, specifically defined in either the City Municipal Code or the proposed LCRSP, other than through a listing of those permitted, conditionally permitted, or prohibited uses. Any short listing of select land uses cannot, however, be construed as being inclusive of all uses that could potentially be so categorized.

Issues to be Resolved – Land Use-Related Issues (pp. 26 and 27)

The following minor changes are made to the Executive Summary (Issues to be Resolved – Land Use-Related Issues):

Third, Fourth, and Fifth Paragraphs

~~As proposed, a "General Warehousing Overlay" (GW Overlay) has been superimposed on a number of underlying planning areas (PAs 3, 4, 11, 13, 15, 20, and 78). The GW Overlay allows for general warehousing, distribution center, storage and self-storage, light industrial, manufacturing, heavy commercial, and~~

~~other similar types of uses. As proposed, other than the total 849,420 square feet of non-residential development authorized under the proposed LCRSP (excluding institutional, educational, recreational, and infrastructure-related uses), no limitations are presently established with regards to: (1) the total maximum on-site square footage of allowable general warehousing, distribution center, storage and self-storage, light industrial, manufacturing, and heavy commercial uses that could be developed on the project site; (2) the total maximum on-site square footage of allowable office and business park, and other similar uses; and/or (3) the total minimum on-site square footage of required general and specialty commercial and other similar neighborhood-serving uses that would need to be developed on the project site.~~

~~For every square foot of warehousing, distribution center, storage and self storage, light industrial, manufacturing, heavy commercial, office, business park uses, and other similar uses developed on the project site, one less square foot of general and specialty commercial, and other similar neighborhood-serving uses could then be developed thereupon under the authority of this EIR.~~

~~Although office and business park may be less problematic because they increases employment opportunities for near-site residents and would not be expected to be of size that would monopoly the prospects for the retention of other non-residential land uses, nothing in the proposed LCRSP would preclude the entire 849,420 square feet of allowable non-residential uses (excluding institutional, educational, recreational, and infrastructure-related uses) from being developed as general warehousing, distribution center, light industrial, manufacturing, and heavy commercial uses. Should the supply of on-site and near-site general commercial and service-oriented uses fall substantially below the projected on-site demand for those same uses, project residents would then logically need to travel greater distances (to off-site alternatives) for those same commodities and services. Similarly, with the conversion from a retail-based to a warehousing-type land use, the nature of use-generated traffic, including the types and numbers of vehicles and the travel distances of those vehicles would be expected to change.~~

Issues to be Resolved – Land Use-Related Issues (pp. 28-29)

The following minor changes are made to the Executive Summary (Issues to be Resolved – Land Use-Related Issues):

Sixth Paragraph

Similarly, subject to the limitations specified in the proposed LCRSP, dwelling units and non-residential (e.g., general and specialty commercial, office, business park, warehousing, distribution center, storage and self storage, light industrial, and manufacturing, heavy commercial, and other similar permitted and conditionally permitted uses) square footage could be transferred within and between any planning area in Neighborhoods I and IV provided that the total number of projected AM plus PM daily vehicle trips for Neighborhoods I and IV combined do not exceed 3,853 projected trips. In addition, any transference between neighborhoods and PAs would need to conform to the following additional standards: (1) dwelling units may be transferred between any

residentially-designed planning areas in Neighborhoods I and IV; (2) dwelling units may be transferred between any residentially-designated planning areas and any planning area with a "Single-Family Residential Overlay" and/or "High Density Residential Overlay" in Neighborhoods I and IV; and (3) square footage may be transferred between any "Village Center Commercial (VC)" district in Neighborhoods I and IV.~~; and (4) square footage may be transferred between any "Village Center Commercial (VC)" district in Neighborhoods I and IV and any planning area in Neighborhoods I and IV with a Village Center Commercial Overlay" or "General Warehousing Overlay."~~

Issues to be Resolved – Land Use-Related Issues (p. 29)

The following minor changes are made to the Executive Summary (Issues to be Resolved – Land Use-Related Issues):

Fifth Paragraph

◊ Forfeiture of underlying land uses. As indicated in the proposed LCRSP, the following overlay districts would be created, "Single Family Residential Overlay" (SFR~~SRF~~ Overlay), "High Density Residential Overlay" (HDR Overlay), ~~"Village Center Commercial Overlay" (VC Overlay), "General Warehousing Overlay" (GW Overlay),~~ and "Park Overlay" (PA 72 only).[28] In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be developed in those planning areas possessing an overlay designation. From an environmental perspective, with the possible exception of the proposed recreational opportunities identified as an underlying (not overtopping) land use, the resulting land-use changes can be addressed through the imposition of those mitigation measures identified herein.

Issues to be Resolved – Infrastructure-Related Issues (p. 36)

The following minor changes are made to the Executive Summary (Issues to be Resolved – Infrastructure-Related Issues):

Insert after Fourth Paragraph

◊ **Levee construction**. The project proposes construction of regional flood control improvements, including a revetment along the entire length of the western bank of Lytle Creek to reduce the potential for erosion impacts. The proposed revetment will be constructed along the west bank of Lytle Creek and will be located adjacent to the proposed development areas in Neighborhoods II, III, and IV. The proposed revetment was designed in accordance with the criteria established by the County of San Bernardino Flood Control District (SBCFCD or District) and has been designed for the 100-year flood plus additional safety factors set forth in the design criteria to account for debris and floodplain hydraulics. The improvements also include approximately 10.1 acres of off-site improvement within property owned by Cemex USA between Neighborhoods II and III which will involve improvements to an existing levee.

The issues to be resolved as part of the consideration of the project by the Lead Agency include consideration of alternatives to the proposed project, including alternatives to the proposed flood control improvements, their design, and location and the precise nature of any mitigation measures that should be examined and imposed by the Lead Agency in its evaluation of the proposed project. Additional issues involve the use of the Lead Agency's CEQA documentation for future discretionary approvals by responsible agencies that may have jurisdiction over the construction of the revetment, including California Department of Fish and Game (CDFG) and the United States Army Corps of Engineers (USACE).

Table ES-3 - Summary of Environmental Impacts and Level of Significance (p. 49)

The following minor changes are made to Table ES-3 (Summary of Environmental Impacts and Level of Significance) in the Executive Summary:

Hydrology and Water Quality (Continued)	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Impact 4-6. Project plans include the construction of new levee systems adjacent to Lytle Creek. In addition, project implementation will result in the introduction of impervious surfaces and, as a result of the impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the project site.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 4-4 and 4-5	Less than Significant

Table ES-3 - Summary of Environmental Impacts and Level of Significance (p. 49)

The following minor changes are made to Table ES-3 (Summary of Environmental Impacts and Level of Significance) in the Executive Summary:

Hydrology and Water Quality (Continued)	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Impact 4.8. Development of the project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within the Lytle and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources.	~~Less than Significant~~ Potentially Significant unless Mitigation Incorporated	~~None Required or Recommended~~ Mitigation Measures 4-2 and 4-3	Less than Significant

Table ES-3 - Summary of Environmental Impacts and Level of Significance (p. 51)

In response to Environmental Impact 5-7, the following new mitigation measure is added to Table ES-3 (Summary of Environmental Impacts and Level of Significance) in the Executive Summary:

Biological Resources (Continued)	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Impact 5-7. Sensitive Wildlife Species. Numerous sensitive wildlife species have been observed within the LCRSP study area or have the potential to occur therein. Project development, through direct loss or fragmentation of existing habitat and through the introduction of indirect exogenous effects, will reduce existing sensitive species populations and impact the existing biodiversity of the LCRSP study area.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 5-4 through 5-7 and 5-9	Less than Significant

Table ES-3 - Summary of Environmental Impacts and Level of Significance (p. 52)

In response to Environmental Impact 5-9, the following new mitigation measure is added to Table ES-3 (Summary of Environmental Impacts and Level of Significance) in the Executive Summary:

Biological Resources (Continued)	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Impact 5-9. Project implementation will result in the introduction of additional indirect or secondary effects that could adversely impact the viability of on-site and off-site open space areas to serve a continuing viable habitat function.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 5-4, ~~and~~ 5-7, and 5-10	Less than Significant

Table ES-3 - Summary of Environmental Impacts and Level of Significance (p. 52)

In response to Environmental Impact 6-2, the following new mitigation measure is added to Table ES-3 (Summary of Environmental Impacts and Level of Significance) in the Executive Summary:

Transportation and Traffic	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Impact 6-2. Based on individual project-level schedules formulated by the developers of each planning area, construction activities may be occurring adjacent to occupied properties. Construction vehicles may, therefore, transport equipment, building materials, and hauling debris along local and collector streets within and adjacent to established residential areas and other areas where people congregate. In addition, project construction will result in the introduction of construction vehicles and equipment and could result in the release of soil and other debris onto public roadways.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 6-3 and 6-7	Less than Significant

Table ES-4 - Draft Mitigation Reporting and Monitoring Program (p. 64)

The following minor changes are made to Table ES-4 (Draft Mitigation Reporting and Monitoring Program) in the Executive Summary:

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
1-1	~~Unless otherwise waived by the City's Development Services Director (Director) on a case-by-case basis, d~~Development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land-use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Development applications for conditionally permitted land uses within the Village Commercial Center designation, and other designations if necessary, shall submit a site-specific and use-specific analysis to the Director in the same manner as for permitted uses and shall also complete additional environmental review under the California Environmental Quality Act (CEQA) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. ~~Upon acceptance and subject to the Director's discretion, s~~Should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for such use. However, if mitigation measures are identified, those measures shall be imposed as subsequent conditions of approval for individual development projects. ~~All identified design measures, site planning measures, development standards, and other measures shall be imposed as subsequent conditions of approval for individual development projects.~~ For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.	Development Services Director	Ongoing

Table ES-4 - Draft Mitigation Reporting and Monitoring Program (p. 68)

In response to Environmental Impact 4-6, the following new mitigation measure, compliance verification, and mitigation milestone is added to Table ES-4 (Draft Mitigation Reporting and Monitoring Program) in the Executive Summary:

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
4-5	Continuity of Flood Control Revetment and Levees. If Cemex USA has not completed the repairs to its South Pit levee for which it obtained authorizations under Streambed Alteration Agreement 1600-2006-0256-R6 and Nationwide Permit No. 3 (USACE No. SPL-2006-1460) by the time that the Applicant is constructing its revetment for Neighborhoods II or III, subject to the existing agreement between Cemex USA and the Applicant, the Applicant shall undertake those repairs to the Cemex USA levee in connection with the Applicant's other off-site improvements to approximately 2,000 linear feet of the Cemex USA levee adjacent to Neighborhood II.	City Engineer	Issuance of Grading Permit Neighborhoods II and III Only

Table ES-4 - Draft Mitigation Reporting and Monitoring Program (p. 76)

In response to Environmental Impacts 5-7 and 5-9, respectively, the following new mitigation measures, compliance verifications, and mitigation milestones are added to Table ES-4 (Draft Mitigation Reporting and Monitoring Program) in the Executive Summary:

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
5-9	Prior to the commencement of any ground-disturbance activities within areas containing suitable or potentially suitable habitat, in accordance with applicable protocol requirements, if any, the Applicant shall conduct one additional survey for each of the following species: slender horned spineflower, least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher. Should individuals of any of these species be found to occupy the proposed area of disturbance, prior to the commencement of those activities, the Applicant shall obtain any requisite incidental take authorization in accordance with the requirements of the federal Endangered Species Act.	Development Services Director	Issuance of Grading Permit
5-10	Surface Water Diversion for Groundwater Recharge. If the Applicant is required to complete the levee repair work in Mitigation Measure 4-5, then prior to any ground disturbance for construction in Neighborhoods II or III, the Applicant shall first obtain binding assurances, acceptable to the City, from the LCWCA or its relevant member agencies, that no water diversions will be made by LCWCA member agencies using the inlet pipes to be installed in the Cemex USA South Pit levee unless the daily flow in Lytle Creek through the project site exceeds 80 cubic feet/second (cfs).	City Engineer	Issuance of Grading Permit

Table ES-4 - Draft Mitigation Reporting and Monitoring Program (p. 79)

In response to Environmental Impact 6-2, the following new mitigation measure, compliance verification, and mitigation milestone is added to Table ES-4 (Draft Mitigation Reporting and Monitoring Program) in the Executive Summary:

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
6-7	Prior to use by the Applicant of the off-site access road owned by the County connecting Neighborhood II to Highland Avenue, the Applicant shall meet with Vulcan Materials Company (Vulcan) representatives and develop a traffic management plan acceptable to Vulcan and the Applicant for the use of that roadway to allow Vulcan safe, uninterrupted use of the roadway for its commercial mining purposes.	City Engineer	Issuance of Grading Permit

Table ES-4 - Draft Mitigation Reporting and Monitoring Program (p. 82)

The following minor changes are made to Table ES-4 (Draft Mitigation Reporting and Monitoring Program) in the Executive Summary:

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
8-3	Mitigation Measure 8-3. Prior to the issuance of building permit for non-residential uses within the "Village Center Commercial (VC) district ~~and "General Warehousing Overlay~~, an acoustical analysis shall be prepared by a qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer demonstrating that an acceptable interior noise level of 45 dB Ldn (or CNEL) or below will be achieved for adjacent residential uses (including hotel, motel, transient lodging), office buildings, amphitheaters, auditoriums, meeting halls, movie theaters, churches, and other similar sensitive uses and that an acceptable interior noise level of 50 dB Ldn (or CNEL) or below will be achieved for retail commercial uses, banks, restaurants, and other similar uses with the windows and doors closed and identifying any design or development measures that would be required to achieve those standards.	Development Services Director	Issuance of Building Permits

Section 2.0 - Project Description

Section 2.6.1 – Residential Land Uses – Residential Land Use Categories
(Table 2-1, p. 2-35)

The following minor changes are made to Table 2-2 (Lytle Creek Ranch Specific Plan – Detailed Statistical Summary – Neighborhood III) in Section 2.0 (Project Description):

> *Note: A revised Table 2-2 (Lytle Creek Ranch Specific Plan – Detailed Statistical Summary – Neighborhood III) has been included at the end of this section. Only that portion of the table which has been modified is included herein.*

Section 2.6.2 –Commercial Land Uses – Village Center Commercial Overlay (p. 2-27)

The following minor changes are made to Section 2.6.2 (Commercial Land Uses) in Section 2.0 (Project Description) in the DEIR:

> *First and Second Paragraphs*
>
> ~~Village Center Commercial Overlay~~
>
> ~~In lieu of the underlying land use designation, a "Village Center Commercial Overlay" (VC Overlay) designation is proposed on an approximately 13.0-acre portion of Neighborhood II (PA 92) and an approximately 75.9-acre portion of Neighborhood III (PAs 30-31, 35-42). Planning areas with a VC Overlay designation would allow for the development of retail and other commercial uses, including shopping centers, freestanding retail and commercial buildings, and office uses, if the underlying uses are not implemented. The development standards presented in Table 2-4 (Lytle Creek Ranch Specific Plan – Village Center Commercial and General Warehouse Standards) shall apply to areas being developed under the VC Overlay.~~
>
> ~~With the exception of PAs 37 and 40, which are designated "Open Space/Recreational (OS/R), the underlying land use designation for these planning areas is higher density residential, including "Single-Family Residential 2 (SRF-2)," "Single-Family Residential 3 (SFR-3)," "Multi-Family Residential (MFR)," and "High Density Residential (HDR)." A site plan and tentative subdivision map shall be submitted to the City for review and approval for any development activity seeking to implement the VC Overlay.~~

Section 2.6.2 –Commercial Land Uses – General Warehousing Overlay (p. 2-27)

The following minor changes are made to Section 2.6.2 (Commercial Land Uses) in Section 2.0 (Project Description):

> *Third and Fourth Paragraphs*
>
> ~~General Warehousing Overlay~~
>
> ~~In lieu of the underlying land use designation, a "General Warehousing Overlay" (GW Overlay) designation is proposed on an approximately 99.0-acre portion of~~

~~Neighborhood I (PAs 3-4, 11, 13, and 15), an approximately 43.3-acre portion of Neighborhood III (PA 78), and an approximately 54.0-acre portion of Neighborhood IV (PA 20). If the underlying uses are not implemented, planning areas with a GW Overlay designation would allow for the development of general warehousing, storage, other self-serve uses, and light industrial uses.~~

~~The GW Overlay expressly allows for the continued use and operation of existing storage, warehousing, and wholesaling uses and related uses within these areas, including Monier Lifetile (3511 N. Riverside Avenue, Rialto). The development standards presented in Table 2-4 (Lytle Creek Ranch Specific Plan – Village Center Commercial and General Warehouse Standards) shall apply to areas being developed under the GW Overlay.~~

~~The GW Overlay designation is located along transportation arterials, such as the I-15 Freeway and Riverside Avenue. A site plan and tentative subdivision map shall be submitted to the City for review and approval for any development activity seeking to implement the GW Overlay.~~

2.6.1 – Residential Land Uses – Residential Land Use Categories (Table 2.2, pp. 2-33 through 2-38)

The following minor changes are made to Table 2.2 (Lytle Creek Ranch Specific Plan – Detailed Statistical Summary) in Section 2.0 (Project Description):

~~c. Village Center Commercial (VC) Overlay~~
~~d. General Warehousing (GW) Overlay~~
~~e~~c. Park Overlay

2.6.2 – Commercial Land Uses - Village Center Commercial (Table 2.4, p. 2-42)

The following minor changes are made to Table 2.4 (Lytle Creek Ranch Specific Plan – Village Center Commercial and General Warehousing Standards) in Section 2.0 (Project Description):

Note: A revised Table 2-4 (Lytle Creek Ranch Specific Plan – Village Center Commercial ~~and General Warehousing Standards~~) has been included at the End of this section.

Section 2.7.4 –Backbone Infrastructure System – Conceptual Storm Water Quality Management Plan (p. 2-57)

The following minor changes are made to Section 2.7.4 (Conceptual Storm Water Quality Management Plan) in Section 2.0 (Project Description):

Fourth Paragraph

The proposed Neighborhood I concept-level storm drain and water quality system improvements and configuration for PAs 1-5 are shown in Figure 2-17 (Lytle Creek Ranch Specific Plan – Conceptual Master Drainage Plan). As illustrated, the proposed on-site storm drain pipes will range in size from 18-81 inches in diameter. The proposed storm drains will be constructed in the public

ROW, within the street section of streets that will be within the area to be annexed to the City and dedicated to the City ~~County~~. The storm drains will, therefore, be designed and constructed to meet the City's ~~County's~~ minimum standards for performance, materials, and workmanship.

Section 2.7.6 – Backbone Infrastructure System – Conceptual Sewer Master Plan (p. 2-97)

The following minor changes are made to Section 2.7.6 (Conceptual Sewer Master Plan) in Section 2.0 (Project Description):

Third Paragraph

Wastewater from the project will be conveyed by an on-site collection system and treated at either the existing 1.75-mgd Lytle Creek North Wastewater Recycling Plant[39] (18101 Institution Road, San Bernardino) in the adjoining LCNPD (Tract 15900) community or the City of Rialto Wastewater Treatment Plant (501 E. Santa Ana Avenue, Rialto). Sewage flows generated from Neighborhood I (projected to be approximately 0.429 mgd at build-out) will be transported to the SBCSDD's 1.75-mgd Lytle Creek North Wastewater Recycling Plant (Lytle Creek North WRP),[40] located in County Service Area (CSA) 70-GH, via an existing main line constructed as part of the LCNPD (Tract 15900). Because CSA 70-GH, a County entity, cannot provide municipal services, such as sewer, to areas outside of its service area and not within the jurisdiction of the County, CSA 70-GH will be required to petition for and receive approval from LAFCO, a CEQA responsible agency, to enter into an out-of-service-area agreement for service to properties located outside of its boundary before it can provide services to Neighborhood I. Sewerage flows from Neighborhoods II, III, and IV (projected to be approximately 3.46 mgd at build-out) will be transported to the City of Rialto Wastewater Treatment Plant (Rialto WTP) via a network of existing and proposed transmission mains.

Section 2.7.6 –Backbone Infrastructure System – Conceptual Sewer Master Plan – Wastewater Collection System (p. 2-100)

The following minor changes are made to Section 2.76 (Conceptual Sewer Master Plan) in Section 2.0 (Project Description):

Second Paragraph

◊ Neighborhood I. The sewer collection system for Neighborhood I will consist of new 8-inch diameter vitrified clay pipe (VCP) sewer mains and direct the flows into existing 8-inch to 10-inch diameter sewer lines located within Clearwater Parkway. These flows will be conveyed, via gravity flow, to the existing Lytle Creek North WRP constructed as part of the LCNPD (Tract 15900) and operated by the SBCSSD (CSA 70-GH). Because CSA 70-GH, a County entity, cannot provide municipal services, such as sewer, to areas outside of its service area and not within County jurisdiction, CSA 70-GH will be required to petition for and receive approval from LAFCO, a CEQA responsible agency, to enter into an out-of-service-area agreement for service to properties located outside of its boundary before it can provide services to Neighborhood I.

Section 2.15 –Discretionary Permits and Approvals (p. 2-114)

The following minor changes are made to Section 2.15 (Discretionary Permits and Approvals) in Section 2.0 (Project Description):

First Paragraph

Under the State CEQA Guidelines (14 CCR 15381), a "responsible agency" is defined as a public agency which proposes to carry out or approve a project, including all public agencies other than the "lead agency" which have discretionary approval authority over the proposed project. With regards to project's approval and implementation, in addition to those actions identified above, a number of discretionary approvals will or may be required from the County. Those discretionary approvals include, but may not be limited to the following: ~~(1) County General Plan amendments; (2) County Development Code amendments; (3) amendment of the LCNPD; (4) amendment to the GHSP; (5)~~ (1) special district formation and/or revision; and ~~(6)~~ (2) annexation and/or detachment of project lands into or from existing County districts and service area and associated reorganization of existing governmental services, including, but not limited to, reorganization of existing County Service Area 70 and Improvement District GH (CSA 70-GH)[55,56] detachment from the San Bernardino County Fire Protection District[57] and its Valley Service Zone, and annexation into the WVWD. In addition, the County may seek to amend the County General Plan, County Development Code, the LCNPD, and the GHSP, but such actions are not necessary to implement the project approvals, including annexation.

Section 4.1 – Land Use and Planning

Section 4.1.5.1 – Impact Analysis – Compatibility Analysis (p. 4.1-104)

The following minor changes are made to Section 4.1.5.1 (Compatibility Analysis) in Section 4.1 (Land Use and Planning):

Third Paragraph

Proposed "Village Center Commercial (VC)" areas located in Neighborhood II (PA 92) may be located adjacent to proposed "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" (PA 93). Similarly, proposed "Village Center Commercial (VC)" area located in Neighborhood III (PAs 39-40) may be located adjacent to proposed "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" (PA 46) and "Multi-Family Residential (MFR) (14-28 du/ac)" (PA 44). In certain areas within Neighborhood II (PA 92) and Neighborhood III (PA 78), the proposed LCRSP illustrates the presence of a new local street (46-foot right-of-way) separating "Village Center Commercial (VC)" designated area from adjacent "Single-Family Residential 3 (SFR-3) (8-14 du/ac)" (PAs 77 and 93). However, in Neighborhood II, although a future internal roadway may be constructed, the proposed LCRSP does not explicitly identify a new local street between a "Village Center Commercial (VC)" area (PAs 90-91) and adjacent ""High Density Residential (HDR) (25-35 du/ac)" areas (PA 92). ~~Similarly, in Neighborhood III, based on the proposed VC Overlay, future "Village Center Commercial (VC)" uses (PAs 35-36,~~

~~39-41) could be developed directly adjacent to "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" and "Multi-Family Residential (MRF)" uses (PAs 92-93). As a result, "Village Center Commercial (VC)" authorized uses could be located, constructed, and operational directly adjacent to on-site residential uses.~~

Section 4.1.5.1 – Impact Analysis – Compatibility Analysis (p. 4.1-105)

The following minor changes are made to Section 4.1.5.1 (Compatibility Analysis) in Section 4.1 (Land Use and Planning):

Third Paragraph

To the extent that a particular existing and/or proposed land use cannot appropriately fit into any of the land-use categories presented in Table 4.1-4 (General Land-Use Compatibility Matrix), the City's Development Services Director (Director)~~, at the Director's sole discretion,~~ shall determine what, if any, environmental issues may be germane to that use and shall specify the nature of any environmental analyses which shall accompany the project-specific development proposal, define the scope of those studies, and determine their adequacy for the purpose of assessing land use compatibility.

Section 4.1.5.1 – Impact Analysis – Compatibility Analysis (Table 4.1.4, p. 4.1-106)

The following minor changes are made to Table 4.1.4 (General Land-Use Compatibility Matrix) in Section 4.1 (Land Use and Planning):

Note: A revised Table 4.1-4 (General Land-Use Compatibility Matrix) has been included at the end of this section.

Section 4.1.5.1 – Impact Analysis – Compatibility Analysis - On-Site Land-Use Compatibility Analysis (p. 4.1-127)

The following minor changes are made to Section 4.1.5.1 (Compatibility Analysis) in Section 4.1 (Land Use and Planning):

Third Paragraph

~~Within Neighborhood I, those residentially-designated areas located to the north of the I-15 Freeway also have a GW Overlay designation. Those residential areas located to the south of the I-15 Freeway do not possess the GW Overlay designation. As a result, should the general warehousing overlay be applied, those land uses would be separated from the LCNPD (Rosena Ranch) by the existing freeway. The freeway right-of-way offers substantial separation distances between residential land uses within the LCNPD and potential general warehousing activities within the area of Neighborhood I.~~

Sixth Paragraph

Proposed land uses to the east of the Las Colinas neighborhood are primarily lower density residential, including "Single-Family Residential 1 (SRF-1) (2-5 du/ac)" and "Single-Family Residential 2 (SFR-2) (5-8 du/ac)." Other proposed land uses include "Elementary School (ES)," "Elementary School/Middle School

(ES/MS)," and "Open Space/Joint Use (OS/JU)." ~~Along Riverside Avenue, north of Redwood Avenue, the proposed LCRSP includes a VC Overlay (PAs 35 and 42), indicating that commercial uses may be developed in lieu of residential uses within those planning areas.~~

Section 4.1.5.1 – Impact Analysis – Compatibility Analysis - On-Site Land-Use Compatibility Analysis (p. 4.1-128)

The following minor changes are made to Section 4.1.5.1 (Compatibility Analysis) in Section 4.1 (Land Use and Planning):

Second Paragraph

- County Club Estates. As proposed, with the exception of those properties that abut PA 91 (proposed "Village Center Commercial [VC]"), all existing residential land-uses located within County Club Estates that now abut~~ting~~ the El Rancho Verde Royal Vista Golf Course or other open space areas will continue to abut either the reconfigured golf course or one of the following adjoining residential land uses: "Single-Family Residential 1 (SFR-1) (2-5 du/ac)," "Single-Family Residential 3 (SFR 3) (8-14 du/ac)", or "High Density Residential (HDR) (25-35 du/ac)." ~~As proposed, the "High Density Residential (HDR)" area located in Neighborhood II (PA 92) also has a VC Overlay designation.~~ As such, with the possible exception of those few properties where an existing residential use may abut a future commercial use, post-project land uses will remain compatible with existing residential land use within the County Club Estates area.

Section 4.1.5.1 – Impact Analysis – Compatibility Analysis – San Bernardino National Forest (p. 4.1-130)

The following minor changes are made to Section 4.1.5.1 (Compatibility Analysis) in Section 4.1 (Land Use and Planning):

Second Paragraph

As proposed, "Single-Family Residential 1 (SFR-1) (2-5 du/ac)" and "Single-Family Residential 3 (SFR-3) (8-14 du/ac)~~,~~" ~~with a GW Overlay,~~ are proposed in the northern portions of Neighborhood I. Similarly, "Medium Density Residential (MDR) (14-28 du/ac)," and "Village Center Commercial (VC)~~,~~" ~~and a GW Overlay,~~ are proposed along Sierra Avenue and Lytle Creek Road. The introduction of new residential, commercial, and general warehousing uses proximate to the National Forest may increase the level of both authorized and unauthorized park use, as well as introduce other exogenous impacts, including increased night lighting, noise, and predation by household pets and feral cats.

Fifth Paragraph

A project will normally be considered to produce a significant or potentially significant land-use impact if the project were to conflict with applicable land-use plans, policies, or regulations of an agency with jurisdiction over the project

adopted for the purpose of avoiding or mitigating an environmental effect. Although the USFS may have no discretionary authority over the project site, as an adjoining property owner that may be adversely impacted by any encroachment onto NFS lands, uses and activities conducted on the project site could potentially impact the forest plan's implementation. For example, the City of Rialto's approval of the project adjacent to the National Forest may result in a potentially significant impact due to an incompatibility of adjacent land uses and inherently contradictory land-use policy issues. Although the proposed development will not physically intrude upon federal lands excluding lands designated "Open Space [OS]"), the intensity of LCRSP-authorized development ("Single-Family Residential 3" ~~and GW Overlay~~) would appear to contrast with the Forest Service's goal of "Partial Retention" within the SBNF.

Section 4.1.5.2 – Impact Analysis – Consistency Analysis (p. 4.1-138)

The following minor changes are made to Section 4.1.5.2 (Consistency Analysis) in Section 4.1 (Land Use and Planning):

Fourth Paragraph

This EIR provides the environmental basis for the approval of all City General Plan~~, County General Plan, GHSP,~~ and ERVSP text and map amendments, all text and map revisions to the City Municipal Code ~~and to the County Development Code~~, and other actions as may be required for the adoption and subsequent implementation of the LCRSP, including the annexation of County unincorporated lands into the corporate boundaries of the City. The EIR also provides the environmental basis for future potential County actions, including amendments to the County General Plan, the GHSP, the LCNPD, and the County Development Code, should the County seek to amend these documents upon annexation of County unincorporated lands into the corporate boundaries of the City. However, such County actions are not necessary to implement the proposed project.

Section 4.1.5.2 – Impact Analysis – Consistency Analysis – Local Land-Use Plans (p. 4.1-139)

The following minor changes are made to Section 4.1.5.2 (Consistency Analysis) in Section 4.1 (Land Use and Planning):

Second Paragraph

The proposed project includes, but is not limited to, both a general plan amendment (GPA) and a zone change (ZC). Text and map amendments to the City General Plan~~, County General Plan, GHSP, LCNPD,~~ and ERVSP, and text and map revisions to the City Municipal Code ~~and County Development Code~~, in combination with other actions, are required for the adoption and subsequent implementation of the LCRSP. Upon annexation of County unincorporated lands into the City resulting from the implementation of the LCRSP, the County may seek to amend relevant planning and zoning documents, including the County General Plan, the GHSP, the LCNPD, and the County Development Code. Such County actions are not necessary to implement the proposed project.

Section 4.1.5.2 – Impact Analysis – Consistency Analysis – Local Land-Use Plans
(p. 4.1-140)

The following minor changes are made to Section 4.1.5.2 (Consistency Analysis) in Section 4.1 (Land Use and Planning):

Fifth Paragraph

In Neighborhood I, those portions of Sycamore Creek East" (Sycamore Flat) and "Sycamore Creek West (Sycamore Canyon)" presently designated "Golf Course Community (GCC)" under the County-approved GHSP would be redesignated "Open Space/Recreation (OS/R)", "Open Space (OS)," and "Single-Family Residential 1 (SFR- 1) (2-5 du/ac)," ~~with a GW Overlay covering a portion of that area (PA 3),~~ under the proposed LCRSP. That portion of Neighborhood I presently designated "Commercial/Travel Services (CTS)" under the County's GHSP would be redesignated "High Density Residential (HDR)" under the proposed LCRSP. Other than those activities that are associated with the provision of street and other infrastructure improvements, no development activities have yet to commence within those areas.

Section 4.1.5.2 – Impact Analysis – Consistency Analysis – Local Land-Use Plans
(p. 4.1-161)

The following minor changes are made to Section 4.1.5.2 (Consistency Analysis) in Section 4.1 (Land Use and Planning):

Sixth Paragraph

As proposed, in addition to the proposed "Open Space (OS)" (PAs 16-18 and 21-22) and "Open Space/Recreational (OS/R)" (PAs 19, 24, and 26) areas within and abutting Lytle Creek Wash, land uses within the approximately 259.4-acre area comprising Neighborhood IV include "Multi-Family Residential (MFR) (14-28 du/ac)" (PA 20) and "Village Center Commercial (VC)" (PAs 23, 25, and 27). ~~A GW Overlay has been applied to PA 20.~~

Section 4.1.5.2 –Impact Analysis – Consistency Analysis – Local Land-Use Plans
(pp. 4.1-162 through 4.1-163)

The following minor changes are made to Section 4.1.5.2 (Consistency Analysis) in Section 4.1 (Land Use and Planning):

Seventh Paragraph

Although no specific land uses are identified, the City General Plan MEIR acknowledges that the "City's northerly and southerly Sphere's of Influence will provide additional opportunities for single-family residential development."[238] To the extent that the City General Plan MEIR promotes housing development, in order to accommodate a range of housing opportunities, different housing products and densities must be available. Taken in total, the proposed LCRSP will create primarily a residential community, supported by neighborhood-serving

commercial uses. Within Neighborhood IV, in addition to retained open space, both "Multi-Family Residential (~~MRF~~MFR) (14-28 du/ac)" and "Village Center Commercial (VC)" land-use designations~~, including a GW Overlay,~~ will be created.

Section 4.1.5.3 – Impact Analysis – Land-Use Overlay Districts (p. 4.1-182)

The following minor changes are made to Section 4.1.5.3 (Land-Use Overlay Districts) in Section 4.1 (Land Use and Planning):

Third and Fourth Paragraphs

Under the proposed LCRSP, a number of land-use overlay districts would be created. In lieu of the underlying land use, planning areas containing an overlay designation could be developed for the use(s) authorized under that overlay. Presented in Table 4.1-8 (Lytle Creek Ranch Specific Plan – Land-Use Overlay Districts) is a listing of all land-use overlay districts authorized under the proposed LCRSP, including the corresponding planning areas where those overlays would apply, the underlying land-use designation which would be replaced by the overlay, and the approximate acreages of those planning areas. Each of the project's ~~five~~ three proposed overlay districts is individually addressed below.

Although each of the ~~five~~ three overlay districts encompass entire planning areas, to the extent that a subsequent "B" level subdivision map were to create separate parcels and assign each a separate land-use designation, unless otherwise precluded by the Lead Agency, there is nothing in the proposed LCRSP that would preclude an overlay from encompassing only a portion of an assigned planning areas, such that multiple (albeit geographically separated) uses could be developed therein, with distinct portions of the affected planning area containing both the underlying and overtopping land uses.

Section 4.1.5.3 – Impact Analysis – Land-Use Overlay Districts – Village Center Commercial Overlay (pp. 4.1-184 through 4.1-185)

The following changes are made to Section 4.1.5.3 (Land-Use Overlay Districts) in Section 4.1 (Land Use and Planning):

Third, Fourth, Fifth, and Sixth Paragraphs (p. 4.1-184) and First, Second, and Third Paragraphs (p. 4.1-185)

~~Village Center Commercial Overlay~~

~~As authorized under the proposed LCRSP, the "Village Center Commercial Overlay" (VC Overlay) includes shopping centers, freestanding retail and commercial buildings, and office uses. Authorized land uses within the VC Overlay are similar to those uses allowable under the "Village Center Commercial (VC)" district. Because the VC Overlay does not result in the introduction of any additional land uses not otherwise authorized under the proposed LCRSP and because a measure (Mitigation Measure 1-1) has been~~

~~proposed to mitigation potential land-use conflicts associated with the proximal siting of uses with different operational characteristics, implementation of this overlay, in lieu of the underlying land-use district, would not result in the introduction of any additional land-use impacts not otherwise addressed herein.~~

~~As noted in Table 4.1-8 (Lytle Creek Specific Plan – Land-Use Overlay Districts), the VC Overlay encompasses a number of planning areas presently designated "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" (PAs 36, 38, and 42), "Single-Family Residential 3 (SFR-3) (8-14 du/ac)" (PA 35), "Multi-Family Residential (MFR) (14-28 du/ac) (PA 41), "High Density Residential (HDR) (25-35 du/ac)" (PAs 30 and 31), and "Open Space/Recreation" (PAs 37 and 40). With the implementation of the VC Overlay, the underlying land-use designations would be replaced by the land uses and development standards authorized under that overlay.~~

~~Under the proposed LCRSP, the following residential land uses would remain permitted uses therein: (1) residential, attached (14 dwelling units or fewer per net acre); (2) residential, multifamily (14 to 28 dwelling units per net acre); (3) residential (25-35 dwelling units per net acre; (4) nursing homes and convalescent facilities; and (5) independent living and assisted living residential facilities. Although the VC Overlay could result in the introduction of commercial land uses otherwise precluded in residentially-designated planning areas, with regards to those underlying planning areas with residential land use designations, if the VC Overlay were not to be exercised, single-family attached and multi-family dwelling units could still be developed within those areas. If implemented, the VC Overlay would apply to two planning areas with a proposed "Open Space/Recreation (OS/R)" designation (PAs 37 and 40). With regards to PA 40, should the VC Overlay be implemented, the "private recreation center" assumed in that 6.0-acre site would likely not be developed, resulting in either the need to relocate that facility to another planning area within Neighborhood III or the eliminate of a planned recreational opportunity. If relocated, since "parks, paseos, greenbelts and playgrounds" are identified as a permitted use in all zones other than "Open Space (OS)," excluding PA 28, the proposed "private recreational center" identified in PA 40 could be relocated to any other planning area within Neighborhood III.~~

~~As indicated in the proposed LCRSP: "Any and all planning areas designated as "Open Space/Recreation" may be reconfigured and re-sized to respond to actual park and open space needs pursuant to Quimby Act requirements." As indicated in Table 4.9-15 (Park Dedication Requirements by Neighborhood), based on an eligibility determination concerning which "Open Space/Recreation (OS/R)" and "Open Space/Joint Use (OS/JU)" planning areas are to be included in or excluded from the calculations and what percentage of each area may be eligible, with regards to land dedication only, the proposed LCRSP produces a 50.95-acre park dedication surplus, a 35.15-acre deficiency, or other surpluses or deficits in between based on what assumptions are applied. With regards to Neighborhood III, based on the proposed "parks and recreation plan" depicted in Figure 2-7 (Lytle Creek Ranch Specific Plan – Conceptual Park and Recreation Plan), when the golf course expansion, SCE easement, "private recreational centers" (PAs 40, 53, and 64), parkway improvements, and either 50 or 100~~

~~percent of the joint use areas are excluded from the assessment of Quimby Act requirements, which could occur based on the City's discretion, a park deficit exists in Neighborhood III.~~

~~As a result, because implementation of the VC Overlay would reduce the inventory of proposed parkland acreage, independent of the City's inclusion or exclusion of the potentially impacted "private recreational center" (PA 40), the elimination of a portion of the "Grand Paseo" areas (PA 37) in Neighborhood III could potentially affect the Applicant's ability to satisfy park dedication requirements and could reduce parkland availability to below adopted City standards.~~

Section 4.1.5.3 – Impact Analysis – Land-Use Overlay Districts – General Warehousing Overlay (pp. 4.1-185 through 4.1-194)

The following changes are made to Section 4.1.5.3 (Land-Use Overlay Districts) in Section 4.1 (Land Use and Planning):

Commencing with Heading above Fourth Paragraph

~~General Warehousing Overlay~~

~~Unlike the SRF Overlay, the HDR Overlay, and the VC Overlay, the proposed LCRSP does not have a land-use district which is comparable to that established under the "General Warehousing Overlay" (GW Overlay). This overlay allows for general warehousing and distribution centers, storage and self-storage, and other similar types of uses. As indicated in the proposed LCRSP, excluding temporary and conditionally permitted uses, uses permitted by right which are not authorized in any other land-use zone include, but may not be limited to: (1) truck and equipment rentals; (2) indoor pistol or rifle range; (3) wholesaling/distribution centers with no sales to consumers; (4) general warehousing with no sales to consumers; (5) mini-storage warehouses and self-storage; (6) lumber yards, outdoor; (7) pest control services; (8) tile manufacturing and sales; (9) contractor and similar equipment yards; and (10) central cleaning and laundry plants.~~

~~As noted in Table 4.1-8 (Lytle Creek Specific Plan – Land-Use Overlay Districts), the GW Overlay encompasses a number of planning areas presently designated "Single-Family Residential 1 (SFR-1) (2-5 du/ac)" (PA 3), "Single-Family Residential 3 (SFR-3) (8-14 du/ac)" (PAs 11, 13, and 15), and "Multi-Family Residential (MFR) (14-28 du/ac) (PA 20). Where the GW Overlay is applied to planning areas designated in the proposed LCRSP for residential uses (PAs 3, 11, 13, 15, and 20), to minimize potential PA-specific issues of land-use compatibility between residential uses and those uses permitted under the GW Overlay, if the GW Overlay is implemented, the entire planning area must then be developed in accordance with the uses and standards applicable to the GW Overlay.~~[266]

~~As proposed, the LCRSP identifies certain "industrial and research uses" as either permitted or conditionally permitted uses within the "Village Center Commercial (VC)" and VC Overlay districts. Permitted uses listed therein include~~

~~"research and development; provided however, that such uses must occur entirely within an enclosed building." Conditionally permitted uses within the "Village Center Commercial (VC)" zone include: (1) recording studios; provided, however, that such uses must occur entirely within an enclosed building; (2) bottling plants; and (3) welding, machine, and metal plating shops. With regards to "industrial and research uses," both the "Village Center Commercial (VC)" district and the GW Overlay authorize or conditionally authorize the same lands uses, such that, at least with regards to those uses, there exists no distinction between the two land-use categories. In contrast, the proposed LCRSP identifies certain "warehousing, storage, and heavy commercial uses" which would be permitted within the GW Overlay which would only be conditionally permitted within the "Village Center Commercial (VC)" and VC Overlay districts. Those uses include, but may not be limited to: (1) wholesaling/distribution centers, with no sales to consumers; (2) general warehouses, with no sales to consumers; (3) mini-storage warehouses and self storage; (4) lumber yards, outdoor; (5) pest control services; (6) tile manufacturing and sales; and (7) contractor and similar equipment yards. Unless conditionally permitted in the "Village Center Commercial (VC)" or VC Overlay, each of these uses would be unique to the GW Overlay.~~

~~Absent from both the proposed LCRSP and the City Municipal Code are definitions of the terms "wholesaling/distribution centers," "general warehouses," and "mini-storage and self storage," lumber yard, outdoors, "pest control services," "tile manufacturing and sales," and "contractor and similar equipment yards."[267] The Department believes that the terms "pest control services," "tile manufacturing and sales," and "contractor and similar equipment yards" are generally understandable and would not be anticipated to cause confusion as to the administration of the proposed LCRSP.~~

~~Since the term "lumber yard, outdoor" is not defined in the proposed LCRSP, the document does not state whether the use constitutes a retail location where lumber and wood-related products used in construction and home improvement would be offered for sale. Because this use is including under "warehousing, storage, and heavy commercial" in the proposed LCRSP and given the same status as "tile manufacturing and sales," it is assumed that this use is more machinery-oriented and would, therefore, include a saw and planing mill. Orders would be "built" and either picked up by or delivered to retailers or end users. Although some "big box" stores (e.g., Home Depot) include lumber sections, those uses would not reasonably constitute a "lumber yard, outdoor" Within the intent of the proposed LCRSP. Saw and planing mills are typically enclosed but noise from there operation could be emitted through ventilation openings.~~

~~With regards to warehousing and distribution centers, in order to provide a possible definition for those land uses, the Institute of Transportation Engineer's (ITE) "Trip Generation, 7th Edition" was review. As indicted therein, the following three separate land-use classifications have been established potentially encompassing these proposed on-site uses: (1) Warehousing (Land Use 150) Warehouses are primarily devoted to the storage of materials but may also include office and maintenance areas; (2) Mini-Warehouses (Land Use 151) Mini-warehouses are buildings in which a number of storage units or vaults are~~

~~rented for the storage of goods; they are typically referred to as "self-storage" facilities; each unit is physically separated from other units and access is usually provided through an overhead door or other common access point; and (3) High-Cube Warehouses (Land Use 152) – High-cube warehouses are used for the storage of manufactured goods prior to their distribution to retail outlets; these facilities consist of large shells of steel buildings and large halls, often subdivided for individual tenants, with a typical ceiling height of 24 to 26 feet; they are also characterized by a small employment count due to a high level of mechanization, truck activities frequently outside of the peak hour of the adjacent street system and good freeway access.[268] All three of these warehouse types would be permitted with the GW Overlay.~~

~~The National Association of Industrial and Office Properties (NAIOP) has prepared a report, entitled "San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study,"[269] which included data collected at the driveway of ten warehouse/distribution center sites in the Inland Empire and calculated trip generation rates based on that data. The following NAIOP definition was provided for these collection sites: "Warehouse/distribution centers are used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. These facilities are commonly constructed utilizing concrete tilt-up techniques, with a typical ceiling height of at least 24 feet. Warehouse/distribution centers are generally greater than 100,000 SF [square feet] in size with a land coverage ratio of approximately 50% and a dock-high loading door ratio of approximately 1:5,000-10,000 SF; they are characterized by a small employment count due to a high level of automation, truck activities frequently outside of the peak hour of the adjacent street system and good freeway access. ITE Land Use: 152 (High-Cube Warehouse) is similar."[270] As noted by SANBAG: "A proposed development project would need to be consistent with the entire definition to qualify for use of the high-cube warehouse/distribution center trip generation rates. If the use does not meet the definition, then trip rates for another use would need to be selected, such as Institute of Transportation Engineers Land Use 150 (Warehousing) or Land Use 130 (Industrial Park)."[271]~~

Table 4.1-8
LYTLE CREEK RANCH SPECIFIC PLAN
LAND-USE OVERLAY DISTRICTS

Note: A revised Table 4.1-8 (Lytle Creek Ranch Specific Plan Land-Use Overlay Districts) has been included at the end of this section.

~~The CARB states that "[d]istribution centers or warehouses are facilities that serve as a distribution point for the transfer of goods. Such facilities include cold storage warehouses, goods transfer facilities, and inter-modal facilities such as ports. These operations involve trucks, trailers, shipping containers, and other equipment with diesel engines. A distribution center can be comprised of multiple centers or warehouses within an area. The size can range from several to hundreds of acres, involving a number of different transfer operations and long waiting periods. A distribution center can accommodate hundreds of diesel trucks~~

~~a day that deliver, load, and/or unload goods up to seven days a week. To the extent that these trucks are transporting perishable goods, they are equipped with diesel-powered transport refrigeration units (TRUs) or TRU generator sets."[272,273]~~

~~A large percentage of the vehicle trips associated with warehouse and distribution center uses ay involve heavy-duty trucks.[274] For intersection capacity analysis, truck trips are converted into passenger car equivalents (PCE) based on the following ratios: (1) 2-axle trucks – 2.0 PCE; (2) 3-axle trucks – 2.5 PCE; and (3) 4- and more axle trucks – 3.0 PCE.[275] In addition, because warehouses and distribution centers may receive and transport shipments to and from ports and from remote locations, vehicle trip lengths may be longer than may be associated with other non-residential uses and the hours of operation for warehouse and distribution centers may be extended to accommodate non-peak-hour trips.~~

~~Since the GW Overlay may not be built out to encompass all planning areas so designated, absent an intervening street, open space area, or utility easement, those uses authorized within the GWO Overlay could abut a number of residentially designated areas, including "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" (PAs 36, 38, and 42), "Single-Family Residential 3 (SFR-3) (8-14 du/ac)" (PAs 35 and 41), "Multi-Family Residential (MFR) (14-28 du/ac)" (PA 44), and "High Density Residential (HDR) (25-35 du/ac)" (PAs 30-31).~~

~~The implementation of the GW Overlay for a planning area may result in the siting of "distribution centers" in proximity to sensitive lands uses based on air quality considerations and associated health risks. As indicated in Table 4.7-5 (California Air Resources Board Recommendations on Siting Sensitive Land Uses), the CARB recommends that local agencies avoid siting new sensitive land uses within 1,000 feet of a distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating TRUs per day, or where TRU operations exceed 300 hours per week.[276] The CARB estimates an 80 percent drop-off in pollutant concentrations at approximately 1,000 feet from a distribution center.[277] The elimination of unnecessary idling will reduce the localized impacts cause by diesel particulate matter and other air toxics in diesel vehicle exhausts.[278]~~

~~Idling refers to the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released and there is no load on the engine.[279] As defined in Section 2485(h)(9) in Title 13 of the CCR: "'Idling' means the vehicle engine is running at any location while the vehicle is stationary."~~

~~Because much of the project site is confined to the area extending between Riverside Avenue, Sierra Avenue, and Lytle Creek Road and Lytle Creek Wash and because existing residential uses abut Riverside Avenue and Lytle Creek Road, the provision of a 1,000-foot setback requirement between an on-site warehouse or distribution center and on-site and/or off-site sensitive receptors would not generally appear feasible.~~

~~On October 20, 2005, subsequent to the publication of CARB's recommended setback standards, the CARB issued a regulation amending Title 13 of the CCR and establishing specific requirements to reduce idling emissions from new and in-use trucks beginning in 2008. As specified in Section 2485(c) in Title 13 of the CCR,[280] except as otherwise noted, commencing on February 1, 2005, the driver of any vehicle subject to this section shall comply with the following requirements: "(A) the driver shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location. (B) the driver shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area." As defined in Section 2485(h)(16): "'Restricted area' means any real property zoned for individual or multifamily housing units that has one or more of such units on it."~~

~~CARB's regulation further state that, on or after January 1, 2008, truck drivers operating in California shall not operate an internal combustion APS on any vehicle equipped with a 2007 and subsequent year primary engine unless the vehicle is equipped with an APS meeting the emission performance requirements, as follows: (1) be equipped with a verified Level 3 in-use strategy for particular matter control; or (2) have its exhaust routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter after-treatment device. Mandatory compliance with the State's existing anti-idling regulations minimizes the potential for air quality related land use compatibility conflicts attributable to diesel emissions associated with warehousing and distribution center operations occurring in proximity to near-site sensitive receptors.~~

~~In recognition of the potential land-use compatibility impacts associated with the placement of warehouse and distribution center uses adjacent to other existing sensitive uses within and adjoining the specific plan area, a mitigation measure (Mitigation Measure 1-1) is recommended imposing specific requirements for the preparation of use-specific analyses accompanying later project-specific development proposals. As specified therein, subsequent use-specific studies may include, but may not be limited to, traffic and air quality analyses. Where applicable, air quality studies may include health risk assessments.~~

~~The WRCOG has developed "Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities." These guidelines were formulated to provide local planning departments, developers, and other stakeholders a set of tools to promote the sensitive siting of warehouse and distribution centers and to minimize the impacts of diesel particulate matter (diesel PM) exposure from on-road trucks associated with those uses on existing communities and sensitive receptors. Without endorsement, the following goals and recommended strategies were outlined therein:~~

- ~~Goal 1. Minimize exposure to diesel emissions to neighbors that are situated in close proximity to the warehouse/distribution center.~~
  - ~~Create buffer zone of at least 300 meters (roughly 1,000 feet, can be office space, employee parking, greenbelt) between~~

~~arehouse/distribution center and sensitive receptors (housing, schools, daycare centers, playgrounds, hospitals, youth centers, elderly care facilities, etc.).~~

- ~~Site design shall allow for trucks to check-in within facility areas to prevent queuing of trucks outside the facility.~~
- ~~Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.~~
- ~~Design warehouse/distribution center so that interior vehicular circulation shall be located away from residential uses or any other sensitive receptors.~~

- ~~Goal 2. Eliminate diesel trucks from unnecessarily traversing through residential neighborhoods.~~

  - ~~Require warehouse/distribution centers to clearly specify on the facility site plan primary entrance and exit points.~~
  - ~~Require warehouse/distribution centers to establish specific truck routes and post signage between warehouse/distribution center and freeway and/or primary access arterial that achieves the objective. The jurisdiction may not have an established truck route but may take the opportunity to consider the development of one.~~
  - ~~Provide food options, fueling, truck repair and or convenience store on-site or within the warehouse/distribution center complex.~~
  - ~~Require warehouse/distribution centers to provide signage or flyers identifying where food, lodging, and entertainment can be found, when it is not available on site.~~

- ~~Goal 3. Eliminate trucks from using residential areas and repairing vehicles on the streets.~~

  - ~~Allow homeowners in the trucking business to acquire permits to park vehicles on property, residential areas or streets (Note: Some jurisdictions already restrict parking of oversized vehicles on residential streets regardless of ownership).~~
  - ~~Establish overnight parking within the warehouse/distribution center.~~
  - ~~Allow warehouse/distribution facilities to establish an area within the facility for repairs.~~

- ~~Goal 4. Reduce and/or eliminate diesel idling within the warehouse/distribution center.~~

  - ~~Require the installation of electric hook-ups to eliminate idling of main and auxiliary engines during loading and unloading and when trucks are not in use.~~
  - ~~Train warehouse managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks within the facility.~~

- ~~Require signage that informs truck drivers of the California Air Resource Board regulations (which include anti-idling regulations).~~
- ~~Post signs requesting that truck drivers turn-off engines when not in use.~~
- ~~Restrict idling within the facility to less than ten minutes.~~

- ~~Goal 5. Establish a diesel minimization plan for on- and off-road diesel mobile sources to be implemented with new projects.~~

  - ~~Encourage warehouse/distribution center fleet owners to replace their existing diesel fleets with new model vehicles and/or cleaner technologies, such as electric or compressed natural gas.~~
  - ~~Require all warehouse/distribution centers to operate the cleanest vehicles available.~~
  - ~~Provide incentives for warehouse/distribution centers and corporations which partner with trucking companies that operate the cleanest vehicles available.~~
  - ~~Encourage the installation of clean fuel fueling stations at facilities.~~

- ~~Goal 6. Establish an education program to inform truck drivers of the health effects of diesel particulate and the importance of reducing their idling time.~~

  - ~~Provide warehouse/distribution center owners/managers with informational flyers and pamphlets for truck drivers about the health effects of diesel particulates and the importance of being a good neighbor. The following information should be provided: (1) health effects of diesel particulates; (b) benefits of minimizing idling time; (c) CARB idling regulations; and (d) importance of not parking in residential areas.~~

- ~~Goal 7. Establish a public outreach program and conduct period community meetings to address issues from neighbors.~~

  - ~~Encourage facility owners/management to conduct period community meetings inviting neighbors, community groups, and other organizations.~~
  - ~~Encourage facility owners/management to have site visits with neighbors and members of the community to view measures that the facility has taken to reduce and/or eliminate diesel particulate emissions.~~
  - ~~Encourage facility owners/management to coordinate an outreach program that will educate the public and encourage discussion relating to the potential for cumulative impacts from a new warehouse/distribution center.~~
  - ~~Provide facility owners/management with the necessary resources and encourage the utilization of those resources such as, the California Air Resource Board and the South Coast Air Quality Management District regarding information about the types and~~

amounts of air pollution emitted in an area, regional air quality concentrations, and health risks estimated for specific sources.

◊ Require the posting of signs outside of the facility providing a phone number where neighbors can call if there is an air quality issue.[281]

In recognition of the potential land-use conflicts that could result from the introduction of warehousing and distribution centers on the project site, the Lead Agency has formulated a recommended mitigation measure (Mitigation Measure 1-11) requiring that future project proponents submit detailed plans outlining those design and operational efforts which are being proposed to reduce project-specific and site-specific impacts on proximal sensitive receptors. Each project's "good neighbor" plan shall be approved by the Director and those site design and operational measures established therein shall become conditions of approval for the associated warehouse/distribution center.

As proposed, in accordance with the proposed LCRSP, a total of not more that 849,420 square feet of non-residential land uses, excluding institutional, educational, recreational, and infrastructure-related uses,[282] may be developed within the specific plan area. Although no square footages have been explicitly assigned either by the Applicant or the Lead Agency, institutional, educational, recreational and infrastructure-related uses are addressed through the assignment of acreages to those uses and through the depiction and description of those facilities and improvements herein. The 849,420 square feet of non-residential use also encompass any square footage which would be developed if the GW Overlay were to be implemented. Should those uses allowable under the GW Overlay be pursued, subsequent onsite development of any of the uses allowed under the GW Overlay would necessitate a corresponding reduction in the square footage of neighborhood-serving commercial uses and services that might be developed within the "Village Center Commercial (VC)" district and VC Overlay.

As such, excluding institutional, educational, recreational, and infrastructure-related uses, the 849,420 square feet of non-residential use identified in the proposed LCRSP and examined herein constitutes a finite cap with regards to those general and specialty commercial, office, business park, storage and self-storage, warehousing and distribution center, light industrial and manufacturing, heavy commercial, and other similar uses authorized or conditionally authorized under the proposed LCRSP.

Because the nature of any such change would be speculative, since the implementation of that Applicant-proposed provision could substantively alter the nature of the proposed project and its accompanying environmental analysis, absent an administrative or non-administrative amendment to the specific plan, accompanied by supportive environmental documentation, the Department believes that the above provision could potentially exceed the CEQA authorization established under this EIR and would, therefore, recommend that the Lead Agency defer consideration of any proposal to exceed the 849,420 square feet of general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar uses examined herein pending receipt of a formal development proposal.

~~Prior to the approval of any increase in non-residential square footage over the 849,420 square feet (excluding institutional, educational, recreational, and infrastructure-related uses), authorized in the proposed LCRSP and examined herein, the Applicant or the Lead Agency would likely need to initiate an administrative or non-administrative amendment or other modification to the proposed LCRSP and the Lead Agency would likely need to conduct appropriate CEQA documentation in support thereof. The need for and nature of that documentation would be at the discretion of the Lead Agency.~~

~~As indicated in the proposed LCRSP, the GW Overlay "expressly allows for the continued use and operation of existing storage, warehousing, and wholesaling uses and related uses within these areas including, but not limited to Monier Life Tile at 3511 N. Riverside Avenue, Rialto." Because Monier Lifetile constitutes an existing land use and because its continuing operation is assumed under the project's "existing setting" for an unspecified time period, no further analysis of that specific land use is presented herein.~~

Section 4.1.5.4 – Impact Analysis – Annexation (p. 4.1-195)

The following minor changes are made to Section 4.1.5.4 (Annexation) in Section 4.1 (Land Use and Planning):

Third and Fourth Paragraphs

As illustrated in Figure 4.10-~~3~~5 (West Valley Water District Annexation Area), proposed is the annexation of that portion of the project site which is not presently within the WVWD service area. The proposed project also includes annexation and/or detachment of project lands into or from existing County districts and service area and associated reorganization of existing governmental services, including, but not limited to, reorganization of existing CSA 70-GH and detachment from the San Bernardino County Fire Protection District and its Valley Service Zone. Because those changes are not anticipated to generate any potentially significant land-use impacts, those actions are not further addressed herein.

As illustrated in Figure 2-22 (Lytle Creek Ranch Specific Plan – Conceptual Annexation Plan) and Table 4.1-9 (Estimated Acreage by Neighborhood Proposed to be Annexed into the City of Rialto), proposed is the annexation of that approximately 1,753.1-acre portion of the project site presently located in unincorporated County jurisdiction into the City. All lands proposed for annexation are located in the City-adopted and LAFCO-approved northern Sphere of Influence. An approximately 1,753.1-acre portion of the project site is presently under the jurisdiction of the County. The Applicant proposes to record an "A" level subdivision map encompassing the proposed LCRSP. That subdivision would be subject to applicable provisions of the Subdivision Map Act. As indicated in Section 66454 therein: "Any subdivider may file with a city the tentative map of a proposed subdivision of unincorporated territory adjacent to such city. The map, in the discretion of the city, may be acted upon in the manner provided in Article 2 (commencing with Section 66452) of this chapter, except that if it is approved, such approval shall be conditioned upon annexation

of the property to such city within such period of time as shall be specified by the city, and such approval shall not be effective until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof, then the approval of such map by such adjacent city shall be null and void. No subdivision of unincorporated territory may be effected by approval of a map by a city unless annexation thereof to the city is completed prior to the approval of the final map thereof."

Table 4.1-9
ESTIMATED ACREAGE BY NEIGHBORHOOD PROPOSED TO BE ANNEXED INTO THE CITY OF RIALTO

Neighborhood	Total Acreage (acres)	Acreage within City Boundaries (acres)	Acreage within Unincorporated County (acres)
I	417.2	-	417.2
II	801.8	273.1	528.7
III	968.8	421.1	547.7
IV	259.5	-	259.5
Total	2,447.3	694.2	1,753.1

Source: Lytle Development Joint Venture III

Note: The Table of Contents is also revised to include the addition of this table.

Section 4.1.6 – Recommended Mitigation Measures (pp. 4.1-201 through 4.1-202)

The following minor changes are made to Section 4.1.6 (Recommended Mitigation Measures) in Section 4.1 (Land Use and Planning):

Seventh Paragraph

Mitigation Measure 1-1. ~~Unless otherwise waived by the City's Development Services Director (Director) on a case-by-case basis, d~~Development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land-use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Development applications for conditionally permitted land uses within the Village Commercial Center designation, and other designations if necessary, shall submit a site-specific and use-specific analysis to the Director in the same manner as for permitted uses and shall also complete additional environmental review under the California Environmental Quality Act (CEQA) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. ~~Upon acceptance and subject to the Director's discretion, s~~Should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for such use. However, if mitigation measures

are identified, those measures shall be imposed as subsequent conditions of approval for individual development projects. ~~All identified design measures, site planning measures, development standards, and other measures shall be imposed as subsequent conditions of approval for individual development projects.~~ For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.

Section 4.4 – Hydrology and Water Quality

Section 4.4.5.1 – Impact Analysis – Construction Impacts (pp. 4.4-85 and 4.4-86)

The following minor change is made to Section 4.4.5.1 (Construction Impacts) in Section 4.4 (Hydrology and Water Quality):

Eighth Paragraph

With regards to the I-15 Freeway bridge, the south abutment and two piers of the existing bridge will be enclosed by the proposed flood control revetment. The encroachment into the existing floodplain will alter the current hydraulic behavior in the bridge vicinity and may affect the bridge flood conveyance and scour characteristics under the existing condition. The proposed revetment will act as the new south abutment for the bridge. Design of the toe-down has taken into account the maximum scour potential that may occur at the bridge location and will provide an adequate protection for both the proposed project and the bridge structure.[157] ~~In addition, there are two existing buried high-pressure gas lines that cross Lytle Creek, perpendicular to the centerline, about 1,500 feet downstream of the northbound I-15 Freeway bridge. The existing and proposed high-velocity flows in Lytle Creek have the potential to damage these gas lines. As proposed, a soil-cement overpour structure will be constructed over the lines to protect them from undermining and erosion-related damage.[158] Construction and maintenance of that structure will ensure that impacts to operating gas lines remain at a less-than-significant level.~~

Section 4.4.5.2 – Impact Analysis – Operational Impacts (p.4.4-98)

The following minor change is made to Section 4.4.5.2 (Operational Impacts) in Section 4.4 (Hydrology and Water Quality):

Second Paragraph

In order to ensure that people and structures are not subjected to significant flood hazards, a mitigation measure (Mitigation Measure 4-4) has been formulated to provide specific standards by which the engineering plans for the armored revetment must comply in order to assure that impacts from creek flows are reduced to a less-than-significant level. A mitigation measure (Mitigation Measure 4-5) has been formulated to further ensure that people and structures are not subjected to significant flood hazards, by ensuring that the Cemex USA levee repairs have been made along the Cemex USA South Pit levee by the time

the armored revetment is being constructed in Neighborhoods II or III to protect property and people in those on-site neighborhoods.

Section 4.4.5.2 – Impact Analysis – Operational Impacts (p. 4.4-100)

The following minor change is made to Section 4.4.5.2 (Operational Impacts) in Section 4.4 (Hydrology and Water Quality):

Second Paragraph

- South Pit. In collaboration with Cemex USA, under the proposed LCRSP, the construction and repair of the South Pit levee (permitted by Cemex USA) will be undertaken. The South Pit levee will include ~~three~~ two 36-inch diameter flow control inlet pipes and valve assemblies to allow high surface water flows into the South Pit. The inlet of the ~~three~~ two flow control valves will have a flow diversion area with a barrier directing flows to the valves. The South Pit will be divided into four ponds by using native pit bottom material to build three soft division berms for flow control distribution.

Section 4.4.5.3 – Impact Analysis – Cumulative Impacts (p. 4.4-100)

The following minor change is made to Section 4.4.5.3 (Cumulative Impacts) in Section 4.4 (Hydrology and Water Quality):

Sixth Paragraph

Environmental Impact 4-~~7~~8. Development of the project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within the Lytle and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources.

Preliminary Determination 4.~~7~~8. ~~Less-than-significant impact~~ Potentially significant unless mitigation incorporated.

Section 4.4.5.3 – Impact Analysis – Cumulative Impacts (p. 4.4-101)

The following minor change is made to Section 4.4.5.3 (Cumulative Impacts) in Section 4.4 (Hydrology and Water Quality):

Second Paragraph

In addition, other related projects that may occur within the general project area may produce cumulative water quality impacts. Those related projects will, however, be required to implement BMPs and fully comply with all applicable State water quality laws and regulations. Moreover, it is reasonable to assume that in order to mitigate impacts to a less-than-significant level, the related projects would be required to implement source control BMPs and a regular monitoring program. As such, because all related projects must fully comply with

applicable water quality requirements and would likely implement mitigation measures similar to Mitigation Measures 4-2 and 4-3, cumulative impacts would ~~not manifest at a level of significance~~ be less than significant after mitigation.

Section 4.4.6 – Recommended Mitigation Measures (p. 4.4-102)

In response to Environmental Impact 4-6, the following minor change is made to Section 4.4.6 (Recommended Mitigation Measures) in Section 4.4 (Hydrology and Water Quality):

Insert after Fifth Paragraph

Mitigation Measure 4-5. Continuity of Flood Control Revetment and Levees. If Cemex USA has not completed the repairs to its South Pit levee for which it obtained authorizations under Streambed Alteration Agreement 1600-2006-0256-R6 and Nationwide Permit No. 3 (USACE No. SPL-2006-1460) by the time that the Applicant is constructing its revetment for Neighborhoods II or III, subject to the existing agreement between Cemex USA and the Applicant, the Applicant shall undertake those repairs to the Cemex USA levee in connection with the Applicant's other off-site improvements to approximately 2,000 linear feet of the Cemex USA levee adjacent to Neighborhood II.

Section 4.5 – Biological Resources

Section 4.5.5 – Impact Analysis – Slender-Horned Spineflower (p. 4.5-119)

The following minor change is made to Section 4.5.5 (Impact Analysis) in Section 4.5 (Biological Resources):

Fourth Paragraph

Slender-horned spineflower. The slender-horned spineflower was observed within the LCRSP study area in 1994; however, it was not found during survey efforts in 2004, 2005, 2006, and 2007.[107] Recent survey years received varying amounts of rainfall that captured a range of precipitation conditions for this species while confirmation of blooming was made at a known reference site. As a result, this species is no longer believed to occur within the LCRSP study area. ~~In the absence of any observed species, despite diligent multi-year efforts, impacts to slender-horned spineflower would be less than significant and no mitigation is required or recommended.~~ However, in recognition of the presence of potentially suitable habitat on the project site, a mitigation measure (Mitigation Measure 5-9) has been formulated obligating the Applicant to conduct a subsequent species-specific survey for the slender-horned spineflower prior to the initiation of any ground-disturbance activities in those areas of potentially suitable habitat.

Section 4.5.5 – Impact Analysis - Birds (p. 4.5-129)

The following minor change is made to Section 4.4.5 (Impact Analysis) in Section 4.5 (Biological Resources):

Fifth Paragraph

Potentially suitable habitat (riparian scrub) for the SWWF (the subspecies that does breed in southern California) in the LCRSP study area is about 38.4 acres. The proposed project will permanently impact approximately 13.5 acres of this habitat within the LCRSP study area or about one percent within the regional study area. However, no SWWFs have been found within the LCRSP study area based upon three consecutive years (2006, 2007, and 2008) of protocol surveys. Due to the lack of occupied habitat in the LCRSP study area, potential project-related impacts to the SWWF are deemed less than significant and no mitigation is required or recommended. In recognition of the presence of potentially suitable habitat on the project site, a mitigation measure (Mitigation Measure 5-9) has been formulated obligating the Applicant to conduct a subsequent species-specific survey for the SWWF prior to the initiation of any ground-disturbance activities in those areas of potentially suitable habitat.

Section 4.5.5 – Impact Analysis - Birds (p. 4.5-131)

The following minor change is made to Section 4.4.5 (Impact Analysis) in Section 4.5 (Biological Resources):

Fourth Paragraph

Separate CAGN survey efforts, following the USFWS survey guidelines, have been conducted in the LCRSP study area in 2005, 2006, and 2007.[117] No CAGNs were observed or otherwise detected during any of the three surveys. Based on these findings, it is concluded that this species neither currently disperses through nor resides as a breeder in the LCRSP study area. ~~Potential project-related impacts to the CAGN are, therefore, deemed to be less than significant and no mitigation is required or recommended.~~ However, in recognition of the presence of potentially suitable habitat on the project site, a mitigation measure (Mitigation Measure 5-9) has been formulated obligating the Applicant to conduct a subsequent species-specific survey for the CAGN prior to the initiation of any ground-disturbance activities in those areas of potentially suitable habitat.

Section 4.5.5 – Impact Analysis - Birds (p. 4.5-132)

The following minor change is made to Section 4.4.5 (Impact Analysis) in Section 4.5 (Biological Resources):

Second Paragraph

During protocol surveys in 2006, two breeding pairs were observed in Sycamore Flat East riparian corridor. In that same year, at least one LBV was observed and/or heard on several occasions within Neighborhood II; however, breeding was not confirmed. Although one individual was also observed within Neighborhood III on one occasion, there is no suitable riparian habitat within Neighborhood III and the bird is believed to have been moving through the area. During protocol surveys conducted in 2007, one pair of LBV was observed on

three consecutive survey dates within the "County parcel" just off the site and to the north of Neighborhood within the Sycamore Flat East riparian corridor (that corridor is within Neighborhood I and extends beyond and to the north of the LCRSP study area). Focused surveys conducted in 2008 did not, however, detect the presence of LBV within the LCRSP study area. In recognition of the presence of potentially suitable habitat on the project site, a mitigation measure (Mitigation Measure 5-9) has been formulated obligating the Applicant to conduct a subsequent species-specific survey for the LBV prior to the initiation of any ground-disturbance activities in those areas of potentially suitable habitat.

Section 4.5.5.2 – Operational Impacts (p. 4.5-146)

The following minor change is made to Section 4.5.5.2 (Operational Impacts) in Section 4.5 (Biological Resources):

Following Fifth Paragraph

Surface water diversions in Lytle Creek for groundwater recharge using Cemex USA South Pit. Installation of two 36-inch diameter inlet pipes and control valves in the Cemex USA levee protecting the South Pit as part of the Cemex USA levee repair could potentially adversely impact downstream habitats or species in Lytle Creek if allowed to completely divert all surface water flows in Lytle Creek passing by the Cemex USA South Pit into the pit for groundwater recharge. Although surface water in this portion of Lytle Creek has been diverted for groundwater recharge for roughly the last 100 years and although large storm events will result in surface water flows in this reach of Lytle Creek that substantially exceed the amount of surface water that could be diverted by two 36-inch diameter inlet pipes (which would have a maximum flow capacity of 75 cfs), a mitigation measure (Mitigation Measure 5-10) has been formulated to ensure that any surface water diversion does not occur until a minimum surface flow threshold had been exceeded to ensure that downstream water flows will not be significantly impacted during the non-wet months as a result of water diversion for groundwater recharge to the South Pit. Stream gauge data suggest that the magnitude of the average daily flow in this area of Lytle Creek is approximately 41 cfs. Mitigation Measure 5-10 would not allow surface flows to be diverted into the Cemex USA South Pit recharge area until a minimum flow rate in Lytle Creek exceeded 80 cfs, so that a significant base flow would always continue downstream within the creek.

Section 4.5.6 – Recommended Mitigation Measures (p. 4.5-172)

In response to Environmental Impact 5-7, the following minor additions are made to Section 4.5.6 (Recommended Mitigation Measures) in Section 4.5 (Biological Resources):

Following Fourth Paragraph

Mitigation Measure 5-9. Prior to the commencement of any ground-disturbance activities within areas containing suitable or potentially suitable habitat, in accordance with applicable protocol requirements, if any, the Applicant shall conduct one additional survey for each of the following wildlife species: slender

horned spineflower, least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher. Should individuals of any of these species be found to occupy the proposed area of disturbance, prior to the commencement of those activities, the Applicant shall obtain any requisite incidental take authorization in accordance with the requirements of the federal Endangered Species Act.

Mitigation Measure 5-10. Surface Water Diversion for Groundwater Recharge. If the Applicant is required to complete the levee repair work in Mitigation Measure 4-5, then prior to any ground disturbance for construction in Neighborhoods II or III, the Applicant shall first obtain binding assurances, acceptable to the City, from the LCWCA or its relevant member agencies, that no water diversions will be made by LCWCA member agencies using the inlet pipes to be installed in the Cemex USA South Pit levee unless the daily flow in Lytle Creek through the project site exceeds 80 cubic feet/second (cfs).

Section 4.6 – Transportation and Traffic

Section 4.6.5.1 – Construction Impacts (p. 4.6-52)

The following minor changes are made to Section 4.6.5.1 (Construction Impacts) in Section 4.6 (Transportation and Circulation):

Third Paragraph

Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by their drivers would be expected to keep public safety issues at a less-than-significant level. In addition, to best ensure the safety of pedestrians and ~~residences~~ residents and enhance the protection of children and others residing in adjoining neighborhoods, a mitigation measure (Mitigation Measure 6-3) has been formulated requiring the Applicant's preparation of a construction traffic management plan (CTMP) prior to the approval of final grading permits for new major development projects.[66] In addition, to avoid potential conflicts with Vulcan Materials Company, an adjacent landowner, regarding the use of an access road owned by the San Bernardino County Flood Control District, Mitigation Measure 6-7 has been added to require preparation of a traffic management plan for use of the SBCFCD's access road. The CTMP, which can be combined with the TCP as a single work product or prepared as a separate document, shall at a minimum include:

Section 4.6.6 – Recommended Mitigation Measures (p. 4.6-88)

The following minor changes are made to Section 4.6.6 (Recommended Mitigation Measures) in Section 4.6 (Transportation and Circulation):

Following Fourth Paragraph

Mitigation Measure 6-7. Prior to use by the Applicant of the off-site access road owned by the County connecting Neighborhood II to Highland Avenue, the Applicant shall meet with Vulcan Materials Company (Vulcan) representatives

and develop a traffic management plan acceptable to Vulcan and the Applicant for the use of that roadway to allow Vulcan safe, uninterrupted use of the roadway for its commercial mining purposes.

Section 4.7 – Air Quality

Section 4.7.3.1 – Environmental Setting – Regional Setting – Toxic Air Contaminants (p. 4.7-32, fn 80)

The following minor changes are made to Section 4.7.3.1 (Regional Setting) in Section 4.7 (Air Quality):

[80]/ As indicated in the proposed LCRSP, conditionally permitted land uses within the "Village Center Commercial (VC)" ~~and "General Warehousing Overlay"~~ districts include "welding, machine, and metal plating shops" and "central cleaning or laundry plants."

Section 4.7.5.2 – Impact Analysis – Operational Impacts (p. 4.7-75)

The following minor changes are made to Section 4.7.5.2 (Operational Impacts) in Section 4.7 (Air Quality) in the DEIR:

Sixth Paragraph

As proposed, the LCRSP would allow or conditionally allow for the development and operation of wholesale/distribution centers, general warehouses, and other "industrial" uses within the "Village Center Commercial (VC)" ~~and "General Warehousing Overlay"~~ districts. Those land uses may be located within 1,000 feet of new on-site and/or existing off-site residential uses and other sensitive receptors.

Section 4.7.5.2 – Impact Analysis – Operational Impacts (p. 4.7-76)

The following minor changes are made to Section 4.7.5.2 (Operational Impacts) in Section 4.7 (Air Quality) in the DEIR:

Fourth and Fifth Paragraphs

Localized air toxic impacts from diesel PM emissions associated with a potential distribution center may, therefore, be substantial if it is located within approximately 1,000 feet of a sensitive land use. Unlike a freeway, this determination is more speculative due to the low level of detail about future development (such as specific location of the distribution center, orientation of loading docks, and activity level) known at this time. Based on the studies conducted by the CARB, however, a sensitive land use could be exposed to a cancer risk of 10 in one million (10×10^{-6}) or greater if located within 1,000 feet of a large distribution center. Since a distribution center is authorized as a conditionally permitted use with the "Village Center Commercial (VC)" district ~~and identified as a permitted use in the "General Warehousing Overlay"~~ and could be sited in close proximity to residential or other sensitive receptors, the inclusion of

that or similar uses could create a substantial health risk and would, therefore, be deemed significant.

As further indicated in the proposed LCRSP, gasoline service stations, automobile repair shops, welding, machine, and metal plating shops, manufacture and assembly facilities, research and development facilities, printing and blueprinting shops, warehouse and distribution centers, and other similar uses are identified as a permitted or conditionally permitted use within the "Village Center Commercial (VC) district ~~and "General Warehousing Overlay."~~ As indicated in Table 4.7-6 (Examples of Other Facility Types that Emit Air Pollutants of Concern), the CARB has defined many of those uses as "facility types that emit air pollutants of concern."

Section 4.7.5.2 – Impact Analysis – Operational Impacts (p. 4.7-79)

The following minor changes are made to Section 4.7.5.2 (Operational Impacts) in Section 4.7 (Air Quality) in the DEIR:

First Paragraph

Although no "heavy industrial" or "heavy manufacturing" uses are contemplated, the proposed LCRSP authorizes certain types of "industrial," "manufacturing," and "warehousing, storage, and heavy commercial" uses as either permitted or conditionally permitted land uses within the "Village Center Commercial (VC)" district ~~and "General Warehousing Overlay."~~[190] However, the proposed LCRSP does not, however, provide any explicit definitions (or use-based performance standards) of what would generally constitute a "light" or "heavy" (or "medium") industrial and/or commercial land use.[191]

Section 4.8 – Noise

Section 4.8.6 – Noise – Recommended Mitigation Measures (p. 4.8-39)

The following minor changes are made to Section 4.8.6 (Recommended Mitigation Measures) in Section 4.8 (Noise) in the DEIR:

Fifth Paragraph

Mitigation Measure 8-3. Prior to the issuance of building permit for non-residential uses within the "Village Center Commercial (VC) district ~~and "General Warehousing Overlay~~, an acoustical analysis shall be prepared by a qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer demonstrating that an acceptable interior noise level of 45 dB L_{dn} (or CNEL) or below will be achieved for adjacent residential uses (including hotel, motel, transient lodging), office buildings, amphitheaters, auditoriums, meeting halls, movie theaters, churches, and other similar sensitive uses and that an acceptable interior noise level of 50 dB L_{dn} (or CNEL) or below will be achieved for retail commercial uses, banks, restaurants, and other similar uses with the windows and doors closed and identifying any design or development measures that would be required to achieve those standards.

Section 4.9 – Public Services and Recreation

Section 4.9.3.1 – Environmental Setting – Regional Setting – Fire Protection (p. 4.9-49)

The following minor changes are made to Section 4.9.3.1 (Regional Setting) in Section 4.9 (Public Services and Recreation):

Following Fourth Paragraphs

As of July 1, 2008, the Fontana Fire Protection District, a subsidiary district of the City of Fontana, was established. The services that were previously provided by the Central Valley Fire Protection District are now provided by the FFPD. The FFPD's service area boundaries includes the City of Fontana's corporate limits and the County unincorporated areas within the City of Fontana's Sphere of Influence, totaling approximately 52.3 square miles. The FFPD was established to maintain existing levels of fire and emergency response services and to contracts with the San Bernardino County Fire Protection District for the provision of those services.

Section 4.9.3.1 – Environmental Setting – Regional Setting - Public Schools (p. 4.9-97)

The following minor changes are made to Section 4.9.3.1 (Regional Setting) in Section 4.9 (Public Services and Recreation):

First and Second Paragraphs

The project site is located within the boundaries of three separate school districts. As illustrated in Figure 4.9-10 (Existing School District Boundaries), ~~a~~ portions of Neighborhoods I and IV and the developed areas within Neighborhoods II and III are located within the boundaries of the Rialto Unified School District (RUSD). A portion of Neighborhood I and the undeveloped portions of Neighborhoods II and III are located within the boundaries of the San Bernardino City Unified School District (SBCUSD).

Portions of Neighborhoods III and IV ~~is~~ are located within the boundaries of the Fontana Unified School District.

Section 4.9.5.2 – Operational Impacts - Public Schools (p. 4.9-97)

The following minor changes are made to Section 4.9.5.2 (Operational Impacts) in Section 4.9 (Public Services and Recreation):

First Paragraph

Based on FUSD standards and DOE guidelines for school size, the existing enrollment in excess of permanent facility capacity can be converted into a specified number of "equivalent schools." In the absence of other strategies, a need for approximately 5.82 new elementary schools, 0.41 middle schools, and ~~1.20~~ 1.44 high schools can be calculated.

Section 4.10 – Utilities and Service Systems

Section 4.10.5.2 –Operational Impacts – Water Supply (Table 4.10-7, p. 4.10-46)

The following minor changes are made to Section 4.10.5.2 (Operational Impacts) in Section 4.10 (Utilities and Service Systems):

2. Although "mixed-use" development is not included in the current version of the proposed LCRSP, the higher density residential and non-residential land uses associated therein are accommodated in the proposed project's residential land-use districts and in the proposed "Village Center Commercial (VC)" district ~~and "General Warehousing Overlay."~~ As such, the land-use categorization presented herein continues to reasonably reflect the current development proposal.

Section 4.10.5.2 –Operational Impacts – Wastewater (Table 4.10-15, p. 4.10-57)

The following minor changes are made to Section 4.10.5.2 (Operational Impacts) in Section 4.10 (Utilities and Service Systems):

Note: A revised Table 4.10-15 (Projected Average Daily Wastewater Flows Based on Engineering Analysis) has been included at the end of this section.

Section 4.10.5.2 – Operational Impacts – Wastewater (pp. 4.10-58 through 4.10-59)

The following minor changes are made to Section 4.10.5.2 (Operational Impacts) in Section 4.10 (Utilities and Service Systems):

Neighborhood I. Neighborhood I is comprised of three tributary areas, all tributary to the Lytle Creek North WRP. The area west of the I-15 Freeway (Sycamore Canyon) is comprised of 342 dwelling units or equivalents. Based on a per unit occupancy rate of 2.6 persons and a per capita generation rate of 69.72 gpd, the western portion of Neighborhood I will generate an ADF of approximately 61,995 gpd (0.064 mgd) utilizing City generation rates. Using those same rates, and aApplying a peaking factor of 3.4, the estimated peaked flow from the western portion of Neighborhood I is approximately 0.218 mgd or 0.34 cfs. Utilizing County rates, the ADF is 77,268 gpd (0.077 mgd), and peaked flow is approximately 0.263 mgd or 0.41 cfs.

The area to the east of the I-15 Freeway (Sycamore Flat) is comprised of 347 dwelling units or equivalents. Based on a per unit occupancy rate of 2.6 persons and a per capita generation rate of 69.72 gpd, and utilizing City rates, the eastern portion of Neighborhood I will generate an ADF of about 62,901 gpd (0.063 mgd). Applying a peaking factor of 3.4, the estimated peaked flow from the eastern portion of Neighborhood I is about 0.214 mgd or 0.33 cfs. Utilizing County generation rates, the ADF for this area is approximately 104,100 gpd (0.104 mgd) and the approximate peaked flow is about 0.370 mgd or 0.57 cfs.

A 10-inch diameter dry sewer line constructed just north of Rosena Ranch and connecting to the main sewer line in Clearwater Parkway has been specifically

installed to convey the flows of 466 dwelling units (PAs 11, 13, and 15) located adjacent to Glen Helen Parkway and west of the I-15 Freeway. Utilizing the City rates and aAssuming a per unit occupancy rate of 2.6 persons and a per capita generation rate of 69.72 gpd, that portion of Neighborhood I tributary to the existing 10-inch diameter sewer line will generate an ADF of approximately 84,473 gpd (0.085 mgd). Applying a peaking factor of 3.4, the estimated peaked flow from that portion of Neighborhood I is 0.289 mgd or 1.11 cfs. Utilizing County generation rates, the ADF for this area is approximately 139,800 gpd (0.189 mgd) and the approximate peaked flow is about 0.447 mgd or 0.69 cfs.

Subject to an out-of-agency service contract between the City and County, wastewater generated in Neighborhood ~~II~~ I will be conveyed to the Lytle Creek North WRP, as operated by County Service Area 70 Improvement Zone ~~G~~H (CSA 70-~~G~~H).

Total estimated average daily and peaked flows from Neighborhood I are 0.209 and 0.721 mgd, respectively, or using County generation rates 0.321 mgd and 0.899, respectively. As indicated in the August 2004 "Wastewater System Agreement," as executed by the County, the Lytle Development Company, and Pulte Home Corporation, 0.79 mgd of average daily reserve capacity has been retained at the Lytle Creek North WRP to accommodate projected flows from the area comprising Neighborhood ~~II~~V. Since ~~projected peak~~ average daily flows (0.209 or 0.321 using County rates ~~0.429~~) are less than the reserved capacity at the Lytle Creek North WRP (0.79 mgd), no significant wastewater conveyance and/or treatment impacts are anticipated from the development of Neighborhood ~~II~~V.

Section 4.10.5.2 – Operational Impacts – Wastewater (p. 4.10-61)

The following minor changes are made to Section 4.10.5.2 (Operational Impacts) in Section 4.10 (Utilities and Service Systems):

Note: A revised Figure 4.10-6 (Lytle Creek Ranch Specific Plan – Conceptual Sewer System Node Map) has been included at the end of this section.

Section 4.10.5.2 – Impacts Analysis – Operational Impacts (p. 4.10-67)

The following minor changes are made to Section 4.10.5.2 (Operational Impacts) in Section 4.10 (Utilities and Service Systems) in the DEIR:

First Paragraph

~~Although composting facilities are not explicitly identified, as indicated in the proposed LCRSP, "recycling centers as a principal use, collection and sorting only" is identified as a "conditionally permitted" land use within the "Generally Warehousing Overlay," subject to compliance with Section 18.108 (Regulation of Recycling Facilities) of the City Municipal Code.~~

Section 4.11 – Hazards and Hazardous Materials

Section 4.11.3.2 – Local Setting (p. 4.11-24)

The following minor changes are made to Section 4.11.3.2 (Local Setting) in Section 4.11 (Hazards and Hazardous Materials):

Following Third Paragraph

Asbestos-Containing Materials

Although not specifically identified, on-site structures built before January 1, 1981, such as the El Rancho Verde Royal Vista Golf Course Clubhouse and Monier Lifetile, if constructed before that date, could asbestos-containing materials (ACMs).

Asbestos is the name given to a group of six different fibrous minerals (amosite, chrysotile, crocidolite, and the fibrous varieties of tremolite, actinolite, and anthophyllite) that occur naturally in the environment and which were historically used in certain building materials. Regulations pertaining to asbestos management during building demolition are established in SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). This rule is designed to limit asbestos emissions from building demolition activities. The rule requires buildings to be surveyed for asbestos-containing building materials (ACMs or ACBMs) before building demolition and mandates ACM removal procedures to limit emissions.

Asbestos materials fall into two broad categories: friable and non-friable. Friable ACMs are products, which, when dry, can be crumbled, pulverized, disturbed, punctured, and easily reduced to powder by hand pressure. Friable ACMs emit fibers into the atmosphere with relative ease when disturbed. Non-friable ACMs are bound into some type of hard matrix such as roofing, siding, or flooring, and generally do not escape under ordinary use. Non-friable ACMs may, however, become friable due to extreme disturbance or deterioration.

With regards to ACMs, federal requirements regulate: (1) worker exposure to asbestos; (2) procedures for abating asbestos when a building undergoes renovation or demolition; and (3) disposal of ACMs. The United States Environmental Protection Agency (USEPA) and the United States Department of Labor Occupational Safety and Health Administration (OSHA) have major responsibility for federal regulatory control over exposure to asbestos. The USEPA regulates asbestos procedures for renovation (i.e., modernization and other actions that require removal of ACM) or demolition (including partial demolition) actions under the federal Clean Air Act and require notification and strict work practices for asbestos handling, removal, storage, and transport under 40 CFR Part 61, Subpart M and 40 CFR Part 763. OSHA regulates worker protection standards and exposures during construction (29 CFR 1926.1101) and non-construction (29 CFR 1910.1001).

In California, asbestos is regulated by the SCAQMD and by the Department of Industrial Relations Division of Occupational Safety and Health (CalOSHA). As required under SCAQMD Rule 1403, the owner or operator of any demolition or renovation activity shall comply with the following requirements: (1) the affected facility or facility component shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity; and (2) the SCAQMD shall be provided written notification at least ten days prior to any demolition or renovation activities, except for emergency work, where the scope of work calls for the removal of more than 100 square feet of ACMs. In addition, twenty-four hours prior to the start of any asbestos removal project, notification of DOSH is also required.

The CalOSHA enforcement unit enforces California's Asbestos Standards in Construction (8 CCR Section 1529), Shipyards (8 CCR Section 8358), and General Industry (8 CCR Section 5208). Section 1539 of the CCR, establishes specific regulations concerning asbestos exposure in all construction work including, but not limited to: (1) demolition or salvage of structures where asbestos is present; (2) removal or encapsulation of materials containing asbestos; (3) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain asbestos; (4) installation of products containing asbestos; (5) asbestos spill/emergency cleanup; (6) transportation, disposal, storage, containment of, and housekeeping activities involving asbestos or products containing asbestos, on the site or location at which construction activities are performed; (7) excavation which may involve exposure to asbestos as a natural constituent which is not related to asbestos mining and milling activities; (8) routine facility maintenance; and (9) erection of new electric transmission and distribution lines and equipment, and alteration, conversion and improvement of the existing transmission and distribution lines and equipment.

Existing environmental control systems, permit, and notification requirements are presently in place to ensure both worker safety and to reduce the release of fiable ACMs into the environment. As a result, since all ACMs must be removed and disposed of in the manner required by law, project-related impacts with regards to ACMs would be less than significant.

Lead-Based Paint

Although not specifically identified, on-site structures built before 1978, such as the El Rancho Verde Royal Vista Golf Course Clubhouse and Monier Lifetile, if constructed before that date, could contain lead-based paint.

Lead compounds were an important component of many paint products utilized prior to 1978. Lead found in pre-1978 paint, in the forms of lead carbonate and lead oxides, had excellent adhesion, drying, and covering abilities. LBP was used extensively on wooden exteriors and interior trimwork, window sash, window frames, baseboards, wainscoting, doors, frames, and high gloss wall surfaces. Almost all painted metals were primed with red lead or painted with lead-based paints. Lead compounds were also historically used as driers in paint and

window glazing putty. In 1978, the use of LBP in residential housing was banned by the federal government.

LBP includes any paint or surface coating that contains at least 0.5 percent lead by weight. Work activities that disturb paint with any amount of lead are, however, regulated by Cal/OSHA (8 CCR 1532.1). In addition to worker protection requirements, CalOSHA regulations specify that persons performing lead-related work in residential or public buildings must be certified by the California Department of Health Services (DHS) when and where exposure levels exceed permissible exposure limits, regardless of whether "abatement" (rather than only disturbance) of LBP is being performed.

Sections 6716-6716 of the California Labor Code (CLC) provides for the establishment of standards that protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation and repair. Section 1532.1 in Title 8 of the CCR establishes regulations implement Sections 6716-6717 of the CLC.

Section 105250 of the H&SC establishes a program to accredit lead-related construction training providers and certify individuals to conduct lead-related construction activities. As required under Section 105255(a) of the H&SC: "No person shall perform lead-related construction work on any residential or public building in a manner that creates a lead hazard." Contractors performing certain types of lead-related work must provide regulatory notifications to DHS and to CalOSHA. Waste containing greater than 350 milligrams per kilogram (mg/kg) total lead or 5 mg/l milligrams per liter (mg/l) soluble lead is subject to special disposal requirements. Title 17, Division 1, Chapter 8 of the CCR provide regulations implementing the provisions of Section 105250 of the H&SC.

Under Senate Bill (SB) 460, as codified in Sections 105253 and 105254 of the H&SC, beginning January 1, 2003, it is a criminal offense to violate certain elements of existing DHS regulations (Title 17 CCR Section 35001 et seq.) relating to lead hazard inspection, risk assessment, and/or abatement work in residential or public (public-accessible) buildings. As indicated therein, it is a criminal offense for an individual to conduct lead inspection, risk assessment, and/or abatement work in a residential or public building without a current certification from a DHS-accredited training provider.

Existing environmental control systems, permit, and notification requirements are presently in place to ensure both worker safety and to reduce the release of LBP into the environment. As a result, since all LBP must be removed and disposed of in the manner required by law, project-related impacts with regards to LBP would be less than significant.

Soil Contaminants

No actionable soil contaminants have been identified as occurring or suspected of occurring on the project site. During construction, contaminated soils may, however, be encountered. If encountered, these contaminated materials could be classified as hazardous wastes and would require disposal in accordance with

applicable hazardous material regulations at accepted depositors. Owners and contractors encountering these materials are required to comply with and conform to all institutional controls governing the storage, transportation, use, handling, and disposal of hazardous materials.

During construction, soil suspected of being contaminated by visual observations of debris, discoloration or sheen, and/or odor may be encountered. If encountered, these contaminated materials could be classified as hazardous wastes and would require disposal or remediation in accordance with applicable County hazardous waste regulations.

Excavated soils which contain concentrations of certain substances including heavy metals and hydrocarbons generally are regulated under California hazardous waste regulations. Numerous local, State (Title 22, CCR) and federal rules regulate the handling, transportation, and disposition of these soils. Existing laws and regulations address the discovery and remediation of contaminated sites, and require the preparation of health and safety plans and mandate worker training and other activities designed to protection workers from exposure to contamination (e.g., 29 CFR Part 1910.120, Section 5192 of the CCR). These regulations establish specific requirements for hazardous waste handling, transport and disposal, including requirements to use approved disposal and treatment facilities, use certified hazardous waste transporters, and use manifests to track hazardous materials.

Section 9.0 - References

Section 9.0 – References (p. 9-15)

The following additional documents are added to the list of referenced considered in the preparation of the FEIR:

- County of San Bernardino, Municipal Advisory Council (MAC) of San Bernardino County Handbook, revised May 2005.
- Safford and Quinn, Conservation Plan for the Etiwanda-Day Canyon Drainage System, 1988.
- Pacific Advance Civil Engineering, Inc., Hydraulic and Geomorphic Assessment Lytle Creek SBKR Upland Habitat Conservation Area Erosion/Protection Plan, April 2007.
- Spencer, W.D. and Goldsmith, A, Impacts of Free-Ranging House Cats on Wildlife at a Suburban-Desert Interface, Paper presented at 8th Annual Meeting of the Society for Conservation Biology, Guadalajara, Jalisco, Mexico, June 1994.
- United States Army Corps of Engineers, Final Environmental Assessment, 404(b)(1) Evaluation, Public Interest Review for Permit Application No. 200100124-AJS, January. 14, 2004.

2.3.2 Lytle Creek Ranch Specific Plan

As described in Section 1.0 (Introduction), in response to comments on the DEIR and to avoid any potential confusion that could arise from the DEIR's informational discussion of the "General Warehousing Overlay" (GW Overlay) and "Village Center Commercial Overlay" (VC Overlay), both the FEIR and the LCRSP remove all references to the GW Overlay and VC Overlay to

make it clear that these speculative uses are not part of the current project or the current CEQA review. In addition to the changes described in Section 2.3.1 (Draft Environmental Impact Report), the LCRSP has been modified as follows:

- The list of discretionary actions as described in the LCRSP was modified. The annexations discussion on page 1-15 of the LCRSP was modified to remove Neighborhood I from the San Bernardino County GH-70 Service District for fire and sewer service and text was revised to add the annexation of those portions of the project site located within the Sphere of Influence (i.e., portions of Neighborhoods II, III, and IV) into the WVWD.

- Figure 3-1 (Conceptual Land Use Plan) was revised to delete reference to the "Industrial/Warehousing (I/W) Overlay." Both the exhibit and the legend were updated to remove the IW Overlay.

- Figure 3-1 (Conceptual Land Use Plan) was revised to delete reference to the VC Overlay. Both the exhibit and the legend were updated to remove the VC Overlay.

- In response to a comment made regarding the extension of trails and other facilities onto National Forest System (NFS) lands, Figure 3-3 (Trail Plan) was revised to eliminate the "County Trail" and the "Hiking Trail" from the area located north of Glen Helen Parkway, including the off-site portions previously shown within the National Forest.

- All references to the I/W Overlay were eliminated from Chapters 3.0, 5.0, and 6.0. There is no longer an IW Overlay within the LCRSP.

- All references to the VC Overlay were eliminated from Chapters 3.0, 5.0, and 6.0. There is still a "Village Center Commercial (VC)" district within the LCRSP but there is no longer a VC Overlay.

- Table 5-1 (p. 5-7f) was modified to prohibit residential uses and related uses from locating within the "Village Center Commercial (VC)" district. Uses now prohibited within that districts include residential attached (14 dwelling units or fewer per net acre), residential multi-family (14-28 dwelling units per net acre), residential (25-35 dwelling units per net acre), home occupations, day-care centers, model homes, sales and leasing offices and trailers, nursing homes and convalescent facilities, and independent living and assisted living residential facilities. Table 5-1 (p. 5-7g) was also modified to clarify that tile manufacturing and sales would be a Permitted (P) use in PA 78 only and would remain a Conditionally Permitted (C) use in all other VC Planning Areas.

- On page 3-11, the following sentence was deleted from the text: "No residential development is permitted within any Village Center Commercial planning area." In addition, the preceding sentence has been amended to read as follows: "Potential uses for these areas could include retail, commercial, office, business park, and medical/dental uses and other permitted uses pursuant to Table 5-1 in this Specific Plan."

- Section 3.2.5 (Transfer of Development Between Planning Areas) was revised to permit transfer only within and between residential districts and also residential overlay areas.

References to transfers between "Village Center Commercial" districts was deleted from the LCRSP.

- In Section 4.4.2 (Energy Efficiency), language was added to require that the builder commit to a minimum of three of the listed strategies and, in Section 4.4.3 (Materials Efficiency), language was added to require that the builder commit to a minimum of three of the listed strategies.

- On page 6-12, the discussion of transfer of intensity (square footage) between "Village Center Commercial" areas was deleted from the text.

Table 2-2 (Continued)

LYTLE CREEK RANCH SPECIFIC PLAN - DETAILED STATISTICAL SUMMARY - NEIGHORHOOD III

PA	Land Use	Approximate Acreage	Product Type	Density Range (DU/ac)	Estimated Aver. Product Density (DU/ac)	Dwelling Units	Square Footage	Assumptions
28	Open Space	396.0	-	-	-	-	-	Natural Open Space
29	Open Space/Recreation	5.0	-	-	-	-	-	-
30[c]	HDR Residential	4.5	Apartments	25-35	31.4	499	-	-
31[c]	HDR Residential	15.9	Apartments	25-35	-	-	-	-
32	Open Space/Recreation	9.8	-	-	-	-	-	SCE ROW
33	Village Center Commercial	24.1	-	~~25-35~~	-	-	230,955	-
34	Open Space/Recreation	7.3	-	-	-	-	-	SCE ROW
35[c]	SFR-3 Residential	11.5	Single-Family Detached/Attached	8-14	10.0	115	-	-
36[c]	SFR-2 Residential	3.8	Single-Family Detached	5-8	7.4	28	-	-
37	Open Space/Recreation	2.6	-	-	-	-	-	Grand Paseo
38[c]	SFR-2 Residential	10.6	Single-Family Detached	5-8	7.3	77	-	
39[c]	MRF Residential	5.8	Apartments	14-28	20.0	196		
40[c]	Open Space/Recreation	6.0	-	-	-	-	-	Neighborhood Park
41[c]	MRF Residential	4.8	Single-Family Attached/Apartments	14-28	28.0	96		
42[c]	SFR-2 Residential	13.0	Single-Family Detached	5-8	5.1	66	-	
43	SFR-1 Residential	22.0	Single-Family Detached	2-5	2.8	62	-	-
44	MFR Residential	4.5	Single-Family Attached/Apartments	14-28	16.0	72	-	-
45	Open Space/Recreation	3.1	-	-	-	-	-	-
46	SFR-2 Residential	9.9	Single-Family Detached	5-8	7.6	75	-	-
47	SFR-3 Residential	5.4	Condominiums	8-14	10.0	54	-	-
48[a]	Open Space/Joint Use	5.0	-	2-14	-	-	-	Joint-Use Park
49[a]	Elementary School	10.0	Elementary School	2-14	-	-	-	K-6 School
50	MFR Residential	4.8	Single-Family Attached/Apartments	14-28	20.0	96	-	-
51	Open Space/Recreation	1.0	-	-	-	-	-	Grand Paseo
52	MFR Residential	9.4	Single-Family Attached/Apartments	14-28	15.0	141	-	-

Table 2-4
LYTLE CREEK RANCH SPECIFIC PLAN
VILLAGE CENTER COMMERCIAL ~~AND GENERAL WAREHOUSING~~ STANDARDS

Development Standard	Village Center Commercial (VC)	~~General Warehousing (GW)~~
Density	-	-
Minimum size of development area phase	2 acres	~~2 acres~~
Maximum floor-area ratio[1]	1.5 FAR	~~0.5 FAR~~
Maximum floor-area ratio (excluding industrial uses)	1.5 FAR	~~1.5 FAR~~
Lot Dimensions	-	-
Minimum lot wide at front property line	NA	~~NA~~
Minimum lot depth	NA	~~NA~~
Landscape Setback	-	-
Minimum landscape setback along public streets (measured from right-of-way)	10 feet	~~10 feet~~
Minimum Private Outdoor Space (Required for each DU)	-	-
Ground level (minimum 8-foot width and 6-foot depth)	-	-
Outdoor space above ground level (minimum 6-foot width and 6-foot depth)	-	-
Minimum Building Spacing		
Buildings built with front entry to front entry	20 feet	~~20 feet~~
Building side to building side	10 feet	~~10 feet~~
Buildings built with front entry to rear entry	20 feet	~~20 feet~~
Buildings built from front entry to building side	20 feet	~~20 feet~~
Buildings built with rear entry to rear entry	20 feet	~~20 feet~~
Minimum distance between main and accessory buildings	10 feet	~~10 feet~~
Maximum Height	-	-
Maximum Height	3 stories (≤55 feet)	~~2 stories (≤55 feet)~~

Notes:
1. FAR calculations do not included structured parking.

Source: Lytle Development Joint Venture III

Table 4.1-4
GENERAL LAND-USE COMPATIBILITY MATRIX[1,2]

Proposed Land Use[23]	Existing Land Use[23]									
	General / Specialty Commercial	Restaurant / Food Service	Open Space / Recreational	Single-Family Residential	Multi-Family Residential	Institutional	Office / Business Park	Light Industrial / Manufacturing	Warehousing / Distribution Center / Heavy Commercial[5]	Entertainment Venues
General / Specialty Commercial	-	-	-	Traffic / Noise		-	-	-	Traffic / Air Quality	-
Restaurant / Food Service	-	-	-			-	-	-	-	-
Open Space / Recreation	-	-	-	-	-	-	-	-	Air Quality[46]	-
Single-Family Residential	Traffic / Noise		-	-	-	Traffic Air Quality Noise	-	Traffic / Air Quality[6] Noise / Hazards		Traffic Noise
Multi-Family Residential			-	-	-		-			
Institutional[34]	-	-	-	Traffic / Air Quality Noise		-	-			
Office / Business Park	-	-	-	-	-	-	-	-	Traffic / Air Quality	-
Light Industrial and Manufacturing	-	-	-	Traffic / Air Quality[46] Noise / Hazards			-	-	-	-
Warehousing / Distribution Center / Heavy Commercial[5]	Traffic Air Quality	-	Air Quality[46]				Traffic Air Quality	-	-	Traffic Noise
Entertainment Venues	-	-	-	Traffic / Noise			-	-	Traffic / Noise	-

Notes:

1. ~~For those situations where issues are expressly identified, once development plans are submitted, unless otherwise waived by the City's Development Services Director (Director), the referenced studies need to be performed to the Director's satisfaction ascertaining whether possible use-related conflicts will materialize. Any design features or other measures identified in these studies proposed for the purpose of reducing or eliminating use-specific conflicts shall be imposed by the Lead Agency as conditions of approval for the proposed land use. These requirements would only apply when a new use is being proposed adjacent to an existing land use and not merely to an adjacent vacant property. For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a public street or designated open space area.~~ With the possible exception of those issues cited herein, adjoining uses are considered inherently compatible. For those situations where issues are identified, once development plans are submitted (at the use-specific level), the referenced studies need to be performed to ascertain whether possible conflicts will materialize. The findings of those studies shall be imposed by the Lead Agency as conditions of approval for the proposed land use. These requirements would only apply when a new use is being proposed adjacent to an existing land use and not merely to an abutting vacant property.
2. Based on the site-specific and/or use-specific characteristics of any existing or proposed land use, the Director retains the discretion to specify the scope of any environmental analysis, identify other environmental issues not listed herein, and/or to eliminate any of the listed issues o~~r~~n a case-by-case basis.
3. Those land uses depicted herein constitute general categorization and, unless otherwise noted, are not intended to directly equate to those land-use designated presented in the proposed LCRSP. Upon receipt of a development application, for the purpose of environmental review, the Director, at the Director's sole discretion, shall determine the appropriate categorization of both the proposed use and that of other adjacent existing uses.
4. In the absence of a definitive definition or limitations established in the LCRSP, this category is intended to be inclusive of a full array of institutional uses.
5. ~~Including, but not limited to, those uses authorized under and similar to those permitted and conditionally permits uses within the "General Warehousing Overlay."~~
6. ~~5~~. As determined by the Director, associated air quality studies may include the preparation of a health risk assessments.

Source: Environmental Impact Sciences

Table 4.1-8
LYTLE CREEK RANCH SPECIFIC PLAN - LAND-USE OVERLAY DISTRICTS
(Planning Area, Underlying Land Use, and Approximate Acreage)

Neighbor.	Single-Family Residential			High Density Residential			~~Village Center Commercial~~			~~General Warehousing~~			Park Overlay		
	PA	Zone	Acre.	PA	Zone	Acre.	~~PA~~	~~Zone~~	~~Acre.~~	~~PA~~	~~Zone~~	~~Acre.~~	PA	Zone	Acre.
I										~~3~~	~~SFR-1~~	~~46.0~~			
										~~4~~	~~HDR~~	~~12.0~~			
										~~11~~	~~SFR-3~~	~~3.0~~			
										~~13~~	~~SFR-3~~	~~29.0~~			
										~~15~~	~~SFR-3~~	~~9.0~~			
Subtotal												~~99.0~~			
II	86[1]	OP/R	3.0	89	VC	6.0	~~92~~	~~HDR~~	~~13.0~~						
	87[2]	OP/R	45.0	90	VC	2.0									
	95[2]	OP/R	67.0	91	VC	3.2									
	99[2]	OP/R	60.0												
	101[2]	OP/R	35.0												
Subtotal			210.0			11.2			~~13.0~~						
III	48	OS/JU	5.0				~~30~~	~~HDR~~	~~4.5~~	~~78~~	~~VC~~	~~43.3~~	72	SFR-1	35.7
	49	ES	10.0				~~31~~	~~HDR~~	~~15.9~~						
	69	ES/MS	14.0				~~35~~	~~SFR-3~~	~~11.5~~						
	74	OS/JU	12.0				~~36~~	~~SFR-2~~	~~3.8~~						
							~~373~~	~~OS/R~~	~~2.6~~						
							~~38~~	~~SFR-2~~	~~10.6~~						
							~~39~~	~~MFR~~	~~5.8~~						
							~~404~~	~~OS/R~~	~~6.0~~						
							~~41~~	~~MFR~~	~~4.8~~						
							~~42~~	~~SFR-2~~	~~13.0~~						
Subtotal			41.0						~~78.6~~			~~43.3~~			35.7
IV										~~20~~	~~MFR~~	~~54.0~~			
Subtotal												~~54.0~~			
Total			251.0			11.2			~~91.5~~			~~196.3~~			35.7

Notes:
1. Identified as a private "active adult recreation center" in Figure 2-7 (Lytle Creek Ranch Specific Plan - Conceptual Parks and Recreation Plan).
2. Identified as a "golf course" in Table 2-2 (Lytle Creek Ranch Specific Plan – Detailed Statistical Summary).
3. Identified as part of the "Grand Paseo."
4. Identified as a "private recreation center" in Figure 2-7 (Lytle Creek Ranch Specific Plan - Conceptual Parks and Recreation Plan).

Source: Environmental Impact Sciences

Table 4.10-15
PROJECTED AVERAGE DAILY WASTEWATER FLOWS BASED ON ENGINEERING ANALYSIS

Neighborhood (Sewer Line)	Dwelling Unit Equivalents	Average Daily Flow (gpd)	Peaking Factor	Peaked Flow (mgd)	CFS	Sewer Plant
IV (Locust Avenue)	1,171	212,270 (0.212 mgd)	3.0	0.636	0.98	Rialto WTP
III (Locust Avenue)	3,635	658,924 (0.659 mgd)	2.7	1.789	2.75	Rialto WTP
Combined III/IV (Locust Avenue)	4,806	871,194 (0.871 mgd)	2.7	2.352	3.64	Rialto WTP
III (Cactus Avenue)	694	125,803 (0.126 mgd)	3.2	0.403	0.62	Rialto WTP
II (Cactus Avenue)	2,568	465,506 (0.466 mgd)	2.7	1.258	1.85	Rialto WTP
Combined III/II (Cactus Avenue)	3,262	591,309 (0.591 mgd)	2.7	1.596	2.47	Rialto WTP
II (Oakdale Avenue)	562	101,875 (0.102 mgd)	3.4	0.347	0.50	Rialto WTP
Subtotal Rialto WTP	8,630	1,564,378 (1.564 mgd)	-	4.295	6.61	-
I[1] (Sycamore Canyon)	342	~~61,995 (0.064 mgd)~~ 77,268 (0.077 mgd)	3.4	~~0.218~~ 0.263	~~0.34~~ 0.41	Lytle Creek North WRP
I[1] (Sycamore Flat)	347	~~62,901 (0.063 mgd)~~ 104,100 (0.104 mgd)	3.4	~~0.214~~ 0.370	~~0.33~~ 0.57	Lytle Creek North WRP
I[1] (10-Inch Dry Sewer)	466	~~84,473 (0.085 mgd)~~ 139,800 (0.139 mgd)	3.4	~~0.289~~ 0.447	~~0.44~~ 0.69	Lytle Creek North WRP
Subtotal[1] Lytle Creek North WRP	1,155	~~209,369 (0.209 mgd)~~ 321,168 (0.321 mgd)	-	~~0.721~~ 1.080	~~1.11~~ 1.57	-
Total	9,785	~~1,773,747 (1.774 mgd)~~ 1,885,546 (1,884 mgd)	-	~~5.016~~ 5.375	~~7.72~~ 8.18	-

Notes:
1. Based on County wastewater generation rates.

Source: Otte-Berkeley Groupe, Inc.

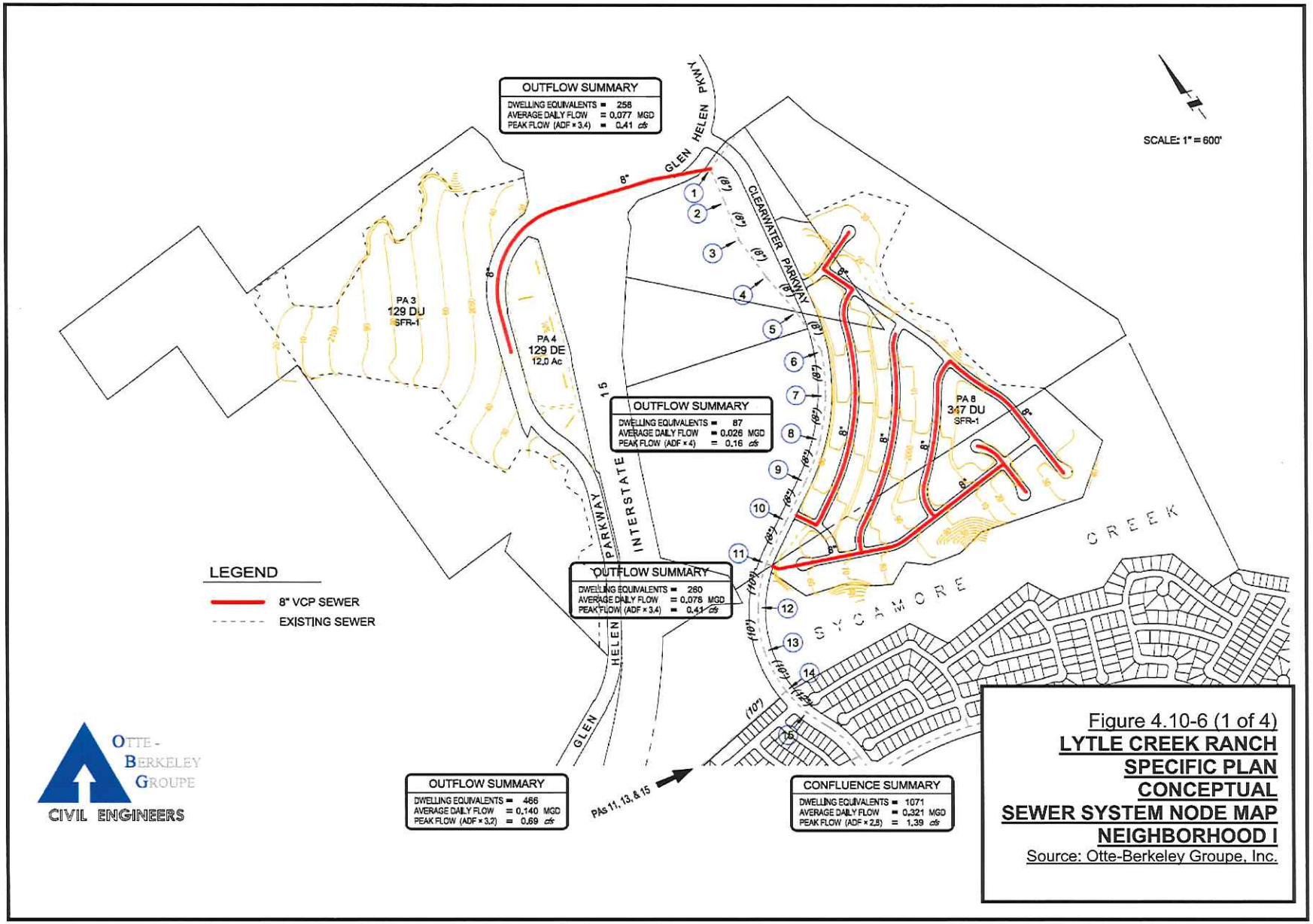


Figure 4.10-6 (1 of 4)
LYTLE CREEK RANCH SPECIFIC PLAN CONCEPTUAL SEWER SYSTEM NODE MAP NEIGHBORHOOD I
Source: Otte-Berkeley Groupe, Inc.

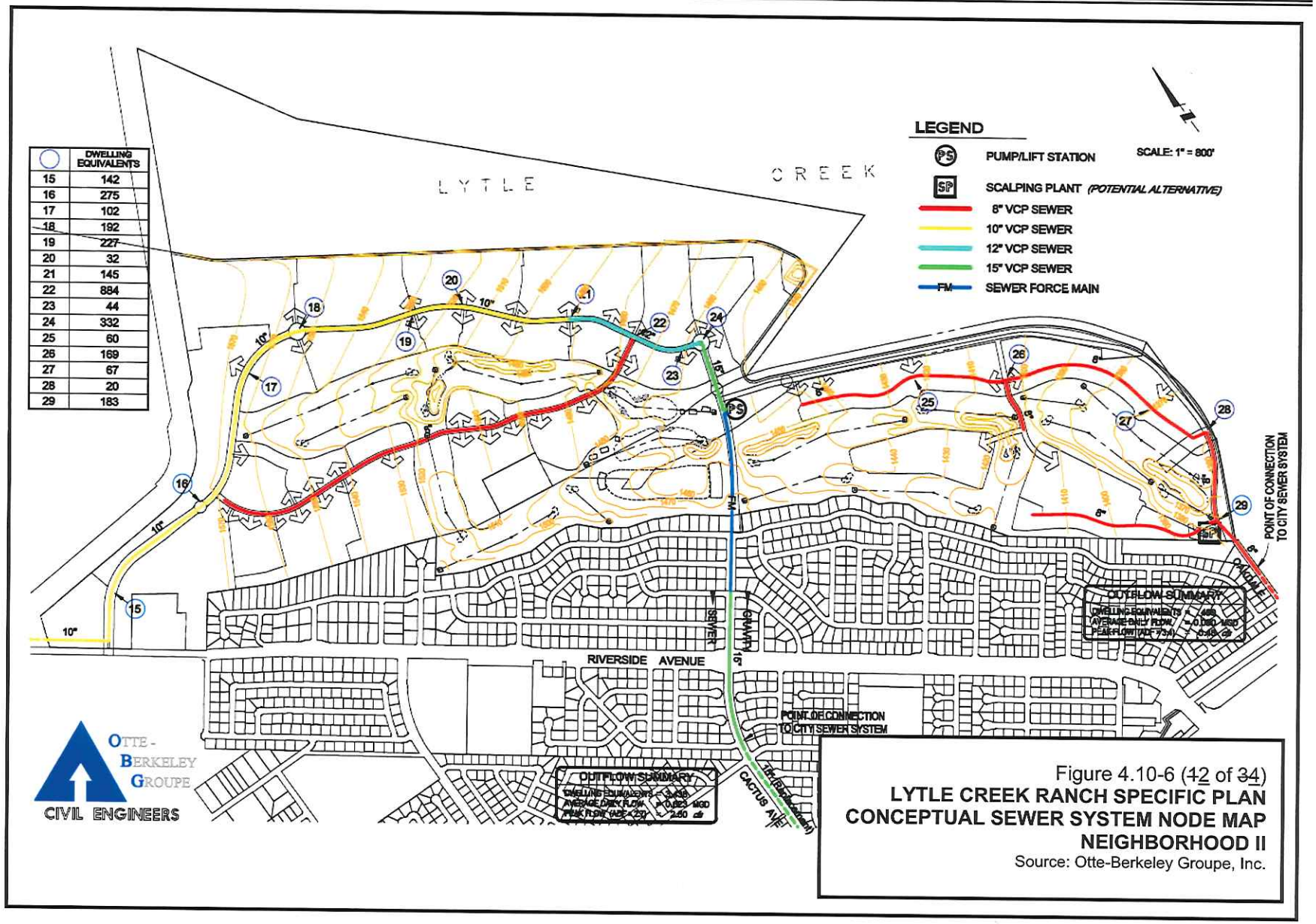
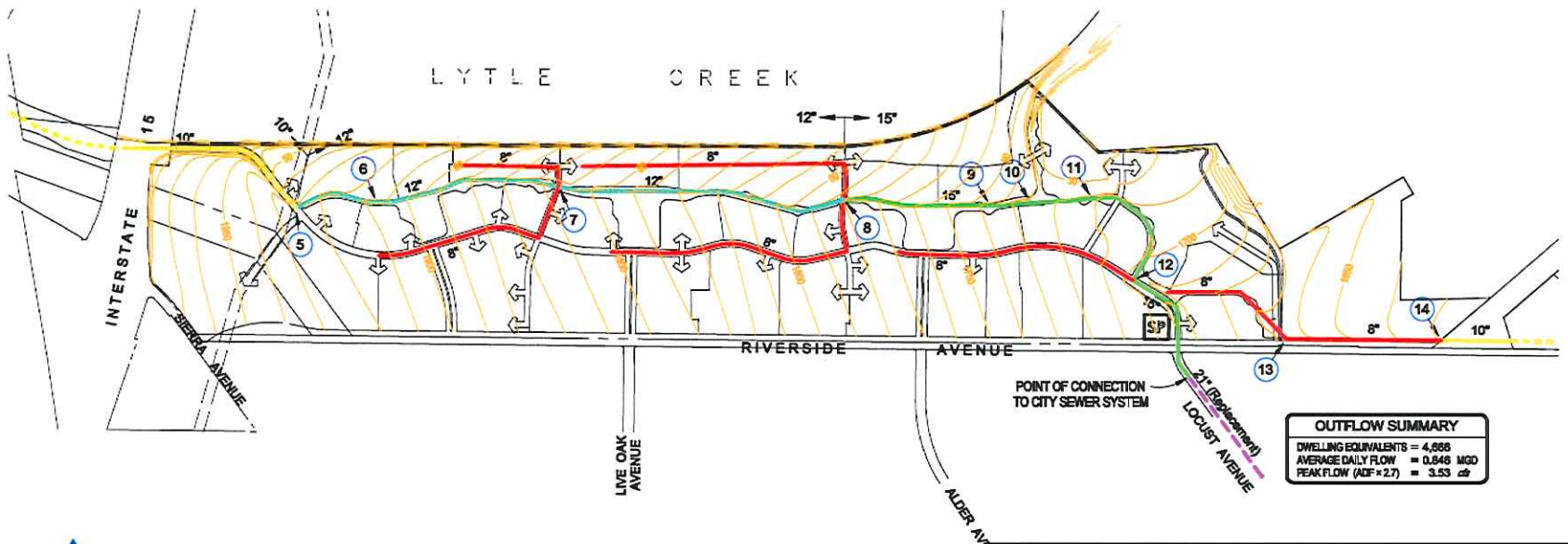


Figure 4.10-6 (~~12~~ of ~~34~~)
LYTLE CREEK RANCH SPECIFIC PLAN
CONCEPTUAL SEWER SYSTEM NODE MAP
NEIGHBORHOOD II
Source: Otte-Berkeley Groupe, Inc.

	DWELLING EQUIVALENTS
5	789
6	75
7	755
8	944
9	91
10	265
11	137
12	299
13	295
14	768



OTTE - BERKELEY GROUPE
CIVIL ENGINEERS

Figure 4.10-6 (~~23~~ of ~~34~~)
LYTLE CREEK RANCH SPECIFIC PLAN
CONCEPTUAL SEWER SYSTEM NODE MAP
NEIGHBORHOOD III
Source: Otte-Berkeley Groupe, Inc.

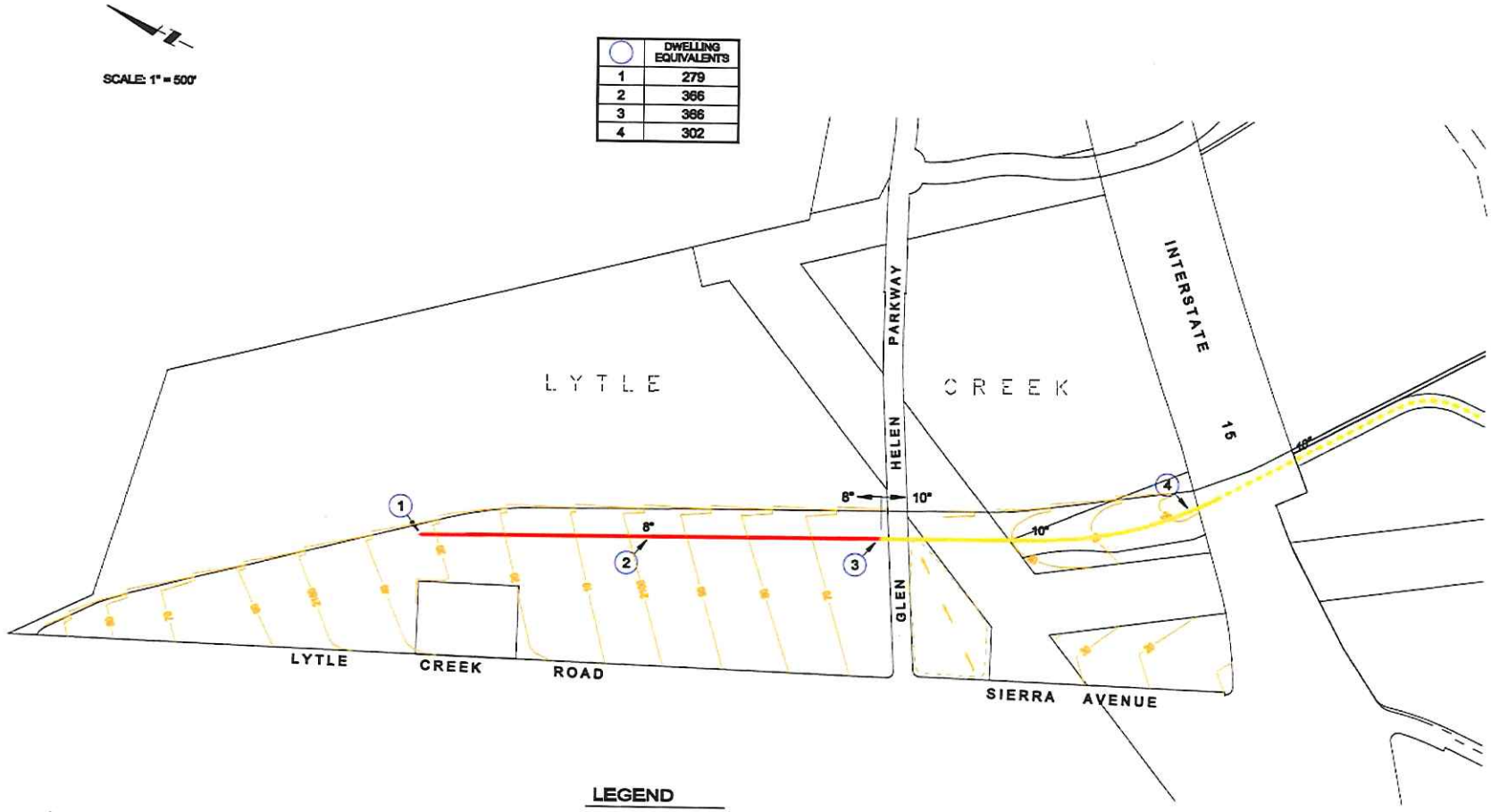


Figure 4.10-6 (~~34~~ of ~~34~~)
LYTLE CREEK RANCH SPECIFIC PLAN
CONCEPTUAL SEWER SYSTEM NODE MAP
NEIGHBORHOOD IV
Source: Otte-Berkeley Groupe, Inc.

3.1 Introduction to Response to Comments

The Lead Agency's written responses to those written comments received by the Lead Agency during and immediately following the noticed comment period, as established by the NOC and NOA, are presented herein. Preceding the City's written response to each written comment is the corresponding text for which the response is provided, as extracted from the written comment letters and emails received by the Lead Agency during and received promptly following the close of the noticed comment period, as established by the State Clearinghouse (February 26 to April 12, 2010) and/or by the City's NOA (March 1 to April 15, 2010).

Section 15088 of the State CEQA Guidelines requires the lead agency to evaluate those comments on environmental issues received from persons who reviewed the draft EIR. Responses have been provided by the Lead Agency to only those comments that are raised with regards to environmental issues associated with or attributable to the proposed project, including any cumulative impacts that may be associated therewith. Comments that express the personal opinion of the commentor or comments that do not specifically address an environmental issue do not require a technical response by the Lead Agency under CEQA and the State CEQA Guidelines but will be acknowledged and forwarded to the decisionmakers for their consideration. The Lead Agency's "acknowledgement" should not be construed as either confirmation or acceptance of the position(s) offered or the point(s) raised. Those opinions, positions, and points will, however, be considered by the advisory and decision-making bodies of the Lead Agency and any responsible or trustee agency that, as part of their deliberations concerning the proposed project, will utilize and rely upon the FEIR.

All of the written comments received by the Lead Agency during the noticed comment period, which terminated on April 15, 2010, have been included herein. Each comment has been notated to assist the reviewer in identifying the referenced comment and to facilitate a comparison between the stated comment and the Lead Agency's written response. As illustrated in Appendix IV-B (Comment Letters), each comments received by the City has been separately numbered. Each statement, comment, or question addressing an environmental aspect of the proposed project has been numbered to provide a cross-reference between the comment and the Lead Agency's response. Unless otherwise noted, all page referenced cited in the Lead Agency's responses are to the DEIR.

3.2 Response to Comments

Separately itemized below are written comments received by the Lead Agency from governmental entities, from non-governmental entities/organizations, and from the general public in response to the Lead Agency's dissemination of the NOC and DEIR and publication of the NOA. This categorization is neither intended to suggest any prioritization or ranking nor to suggest that one group of comments is given any greater value, weight, or importance that another group of comments. The intent of this categorization is to: (1) facilitate review and consideration of written comments by the advisory and decision-making bodies of the Lead Agency, by other responsible agencies, by other governmental entities, by other stakeholders, and by the general public; and (2) enable compliance, by the Lead Agency, with the additional noticing provisions of Section 21092.5(a) of CEQA.

Individual responses to each comment on environmental issues have been prepared. In reviewing the comments, there were several recurring topics in the letters that were received from members of the public. As a result, in addition to individual responses, the following three

"topical responses" have been prepared to address these recurring topics: (1) flood concerns (Topical Response No. 1); (2) access road along Neighborhood II southern boundary (Topical Response No. 2); and (3) air quality concerns (Topical Response No. 3). These three "topical responses" are provided in Section 3.2.4 (Topical Responses) herein.

3.2.1 Written Comments from Governmental Entities

Letter No. I-1
James Pompy, Manager
California Natural Resources Agency
Department of Conservation – Office of Mine Reclamation
Reclamation Unit
801 K. Street, MS 09-06
Sacramento, California 95814

Comment I-1-1 The Department of Conservation's Office of Mining Reclamation (OMR) has received the Draft Environmental Impact Report (DEIR) for the Lytle Creek Ranch Specific Plan. The Executive Summary of the DEIR mentions extension of a levee onto the adjacent CEMEX property. That property is an existing aggregate mine, Lytle Creek Mine, California ID #91-36-0040.

Response I-1-1 This comment is acknowledged.

Comment I-1-2 If the levee results in a substantial change to the mine operation such that it cannot be reclaimed according to its approved reclamation plan, the mine operator would have to prepare an amended reclamation plan. Since the mine falls under the jurisdiction of San Bernardino County, OMR recommends that the City consult with Mr. George Kenline in the County Planning Department to determine whether an amended reclamation plan would be required. Mr. Kenline can be reached at (909) 387-4105.

Response I-1-2 The Applicant has been coordinating with Cemex USA relative to improvements to existing Cemex USA levees on the Cemex USA property associated with the proposed project and any tie-ins between the project's proposed revetments and the Cemex USA levees. It is not the intention of the Applicant to modify the Cemex USA levees in a manner that would preclude Cemex USA from reclaiming land in accordance with the currently approved reclamation plan. The Applicant will continue to coordinate with Cemex USA and any work performed by or as a result of the proposed project on existing Cemex USA levees will be done with the full cooperation of Cemex USA.

Comment I-1-3 If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 325-5435.

Response I-1-3 This comment is acknowledged.

Letter No. I-2
Greg Holmes, Unit Chief
California Department of Toxic Substances Control
Brownfields and Environmental Restoration Program
5796 Corporation Avenue
Cypress, California 90630

Comment I-2-1 The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The proposed Lytle Creek Ranch Specific Plan (LCRSP) is the adoption of the proposed LCRSP. The LCRSP, in combination with a development agreement/pre-annexation agreement between the City of Rialto and the Applicant, will establish new land-use policies affecting the approximately 2,447.3-acre project site. The specific plan would authorizing the development of up to 8,407 dwelling units and 849,420 gross leasable square feet of general and specialty commercial, office, business par, light industrial and manufacturing, warehouse and distribution center, and other similar uses (excluding institutional, educational, recreational, and infrastructure-related uses), allow for the retaining a substantial portion of the project site for open space and conservation purposes, create diverse opportunities for range of public, semi-public, and private recreational facilities, and promote the development of associated public improvements, public works, and infrastructure facilities. The proposed project is located, in part, in the City of Rialto and, in part, in unincorporated County of San Bernardino within the City's adopted Sphere of Influence. The project site can be generally described as being located to the southwest of the unincorporated community of Devore, to the west of the City of San Bernardino, to the south of the San Bernardino National Forest (SBNF), to the east of the City of Fontana, and to the north of confluence of Cajon and Lytle Creeks."

Response I-2-1 This comment is acknowledged. The information cited by the DTSC is taken from the DEIR's "Executive Summary" (p. 2).

Comment I-2-2 DTSC provided comments on the project Notice of Preparation (NOP) on July 27, 2009; those comments have not been addressed in the draft EIR. Please address DTSC's comments in the final EIR.

Response I-2-2 DTSC's letter to the City, as submitted in response to the NOP, is included in Appendix I-A-B (Pre-Circulation Comments) in the DEIR. That letter, entitled "Notice of Preparation for a Draft Environmental Impact Report for the Lytle Creek Ranch Specific Plan (Specific Plan No. 12) Project (SCH#2009061113), City of Rialto, San Bernardino County," contains two separate dates. The first page of the letter is dated "July 23, 2009." Subsequent pages are dated "July 27, 2009." The following comments were raised therein. The Lead Agency's responses to the DTSC's comments are provided below.

1. The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies: [A] National Priority List (NPL): A list maintained by the United States Environmental Protection Agency (U.S. EPA). [B] Envirostor: A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below). [C] Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by the U.S. EPA. [D] Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by the U.S. EPA. [E] Solid Waste Information System (SWIS): A database provided b the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations. [F] Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards. [G] Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks. [H] The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formally Used Defense Sites (FUDS).

Lead Agency Response 1:

As noted in Section 4.11 (Hazards and Hazardous Materials) and the "Summary Report: Site Reconnaissance and Database Review Related to Hazardous Materials - Proposed Lytle Creek Ranch Project 2,450± Acres Lytle Creek Area, San Bernardino County, California" (Summary Report) (C.H.J. Incorporated, April 11, 2008), included as Appendix III-L to the DEIR, four Phase I Environmental Site Assessments (ESA) were prepared for the project site (pp. 4.11-18 to -19). The information from all of the Phase I ESAs were included in the Summary Report together with a database review and site reconnaissance survey. Section 4.11 of the DEIR and the Summary Report documented any current or historic uses at the project site that may have resulted in a release of hazardous wastes. As indicated in the Summary Report: "County, State, and Federal listings were compiled and searched for this update by a nationwide regulatory agency database company, EDR [EDR Environmental Data Resources Inc.], and reviewed by CHJ. All listings/databases were searched for sites located within 1 mile of the general subject site boundary. The database results required to be reported in accordance with ASTM

1527-05 are summarized in this section. The full EDR Area Study report is included as Enclosure 'B' of this report" (Summary Report, p. 10).

As indicated in the Summary of Significant Results derived from the database search and records review that was contained in the Summary Report: "Results of the EDR search indicated on-site results for the El Rancho Verde Golf Club in the southeast portion of the subject site. The golf course was identified with County permits for hazardous materials handling and generating. These are related to the waste oil collection and the diesel AST in the maintenance area. No violations were noted. County HMD records review results indicated the removal of an underground UST from a location adjacent to the former maintenance facility in 1993. The case was given County closure following soil sampling and analysis. Offsite groundwater contamination was indicated in the EDR report. EDR and other sources regarding known perchlorate groundwater contamination southwest of the subject site were reviewed. The plume is reported to be confined south of the San Juan Fault and is mapped off-site; therefore, it is considered unlikely to have the potential to impact groundwater beneath the subject site. Offsite Leaking Underground Storage Tank (LUST) facilities were identified. Several soil and groundwater gasoline contamination cases were noted. Due to case types and status, as well as groundwater flow patterns and groundwater barriers, the identified contamination cases are considered unlikely to have the potential to impact the soils and groundwater of the subject site" (Summary Report, p. 11).

2. The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment No. 11 below for more information.

Lead Agency Response 2:

Since no contaminants and/or petroleum products at actionable levels are anticipated to be present on the project site and since the Summary Report and the information from the Phase I ESAs contained in the Summary Report did not contain recommendations for further on-site investigation (pp. 4.11-20 through 4.11-21), the Lead Agency did not include a discussion of "any required investigation and/or remediation for any site that may be contaminated." Should contaminants be subsequently identified, existing regulations are in place to ensure their appropriate identification and remediation.

3. All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.

   Lead Agency Response 3:

   Based on the findings of the Phase I ESAs reported in the Summary Report, unless other information is uncovered at a later date indicating the presence or potential presence of hazardous materials and/or petroleum products on the project site, no further environmental investigations, sampling, and/or remediation of the site is required at this time. The DEIR concluded that sufficient "best management practices and regulatory controls are now in place to minimize the potential discharge of hazardous materials to the environment" (p. 4.11-28), such that no "Workplan approved and overseen by a regulatory agency" needs to be initiated.

4. Proper investigation, sampling and remedial actions overseen by the responsible regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.

   Lead Agency Response 4:

   See Response No. I-2-2(3).

5. If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

   Lead Agency Response 5:

   With the exception of Monier Lifetile and the El Rancho Verde Country Club, the project site is generally vacant and undeveloped. The Summary Report expressly addressed both of those existing land uses. The Monier Lifetile facility will continue as an existing use and no changes are proposed to its operations. A new golf clubhouse is proposed by the project. The Summary

Report described the existing clubhouse as a wood-frame structure that housed typical facilities for a gold course. No significant areas of concern were identified (Summary Report, p. 5). At such time as the existing clubhouse is demolished, if lead-based paints or ACMs are identified during pre-demolition surveys, removal of these materials will be conducted in compliance with State environmental regulations and policies and the materials disposed of in accordance with State law.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.11-24) has been revised to discuss the proper removal and disposal of ACMs and lead-based paints, if subsequently identified, during site clearance and project construction in Section 4.11 (Hazards and Hazardous Materials).

Asbestos-Containing Materials

Although not specifically identified, on-site structures built before January 1, 1981, such as the El Rancho Verde Royal Vista Golf Course Clubhouse and Monier Lifetile, if constructed before that date, could asbestos-containing materials (ACMs).

Asbestos is the name given to a group of six different fibrous minerals (amosite, chrysotile, crocidolite, and the fibrous varieties of tremolite, actinolite, and anthophyllite) that occur naturally in the environment and which were historically used in certain building materials. Regulations pertaining to asbestos management during building demolition are established in SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). This rule is designed to limit asbestos emissions from building demolition activities. The rule requires buildings to be surveyed for asbestos-containing building materials (ACMs or ACBMs) before building demolition and mandates ACM removal procedures to limit emissions.

Asbestos materials fall into two broad categories: friable and non-friable. Friable ACMs are products, which, when dry, can be crumbled, pulverized, disturbed, punctured, and easily reduced to powder by hand pressure. Friable ACMs emit fibers into the atmosphere with relative ease when disturbed. Non-friable ACMs are bound into some type of hard matrix such as roofing, siding, or flooring, and generally do not escape under ordinary use. Non-

friable ACMs may, however, become friable due to extreme disturbance or deterioration.

With regards to ACMs, federal requirements regulate: (1) worker exposure to asbestos; (2) procedures for abating asbestos when a building undergoes renovation or demolition; and (3) disposal of ACMs. The United States Environmental Protection Agency (USEPA) and the United States Department of Labor Occupational Safety and Health Administration (OSHA) have major responsibility for federal regulatory control over exposure to asbestos. The USEPA regulates asbestos procedures for renovation (i.e., modernization and other actions that require removal of ACM) or demolition (including partial demolition) actions under the federal Clean Air Act and require notification and strict work practices for asbestos handling, removal, storage, and transport under 40 CFR Part 61, Subpart M and 40 CFR Part 763. OSHA regulates worker protection standards and exposures during construction (29 CFR 1926.1101) and non-construction (29 CFR 1910.1001).

In California, asbestos is regulated by the SCAQMD and by the Department of Industrial Relations Division of Occupational Safety and Health (CalOSHA). As required under SCAQMD Rule 1403, the owner or operator of any demolition or renovation activity shall comply with the following requirements: (1) the affected facility or facility component shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity; and (2) the SCAQMD shall be provided written notification at least ten days prior to any demolition or renovation activities, except for emergency work, where the scope of work calls for the removal of more than 100 square feet of ACMs. In addition, twenty-four hours prior to the start of any asbestos removal project, notification of DOSH is also required.

The CalOSHA enforcement unit enforces California's Asbestos Standards in Construction (8 CCR Section 1529), Shipyards (8 CCR Section 8358), and General Industry (8 CCR Section 5208). Section 1539 of the CCR, establishes specific regulations concerning asbestos exposure in all construction work including, but not limited to: (1)

demolition or salvage of structures where asbestos is present; (2) removal or encapsulation of materials containing asbestos; (3) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain asbestos; (4) installation of products containing asbestos; (5) asbestos spill/emergency cleanup; (6) transportation, disposal, storage, containment of, and housekeeping activities involving asbestos or products containing asbestos, on the site or location at which construction activities are performed; (7) excavation which may involve exposure to asbestos as a natural constituent which is not related to asbestos mining and milling activities; (8) routine facility maintenance; and (9) erection of new electric transmission and distribution lines and equipment, and alteration, conversion and improvement of the existing transmission and distribution lines and equipment.

Existing environmental control systems, permit, and notification requirements are presently in place to ensure both worker safety and to reduce the release of fiable ACMs into the environment. As a result, since all ACMs must be removed and disposed of in the manner required by law, project-related impacts with regards to ACMs would be less than significant.

Lead-Based Paint

Although not specifically identified, on-site structures built before 1978, such as the El Rancho Verde Royal Vista Golf Course Clubhouse and Monier Lifetile, if constructed before that date, could contain lead-based paint.

Lead compounds were an important component of many paint products utilized prior to 1978. Lead found in pre-1978 paint, in the forms of lead carbonate and lead oxides, had excellent adhesion, drying, and covering abilities. LBP was used extensively on wooden exteriors and interior trimwork, window sash, window frames, baseboards, wainscoting, doors, frames, and high gloss wall surfaces. Almost all painted metals were primed with red lead or painted with lead-based paints. Lead compounds were also historically used as driers in paint and window glazing putty. In

1978, the use of LBP in residential housing was banned by the federal government.

LBP includes any paint or surface coating that contains at least 0.5 percent lead by weight. Work activities that disturb paint with any amount of lead are, however, regulated by Cal/OSHA (8 CCR 1532.1). In addition to worker protection requirements, CalOSHA regulations specify that persons performing lead-related work in residential or public buildings must be certified by the California Department of Health Services (DHS) when and where exposure levels exceed permissible exposure limits, regardless of whether "abatement" (rather than only disturbance) of LBP is being performed.

Sections 6716-6716 of the California Labor Code (CLC) provides for the establishment of standards that protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation and repair. Section 1532.1 in Title 8 of the CCR establishes regulations implement Sections 6716-6717 of the CLC.

Section 105250 of the H&SC establishes a program to accredit lead-related construction training providers and certify individuals to conduct lead-related construction activities. As required under Section 105255(a) of the H&SC: "No person shall perform lead-related construction work on any residential or public building in a manner that creates a lead hazard." Contractors performing certain types of lead-related work must provide regulatory notifications to DHS and to CalOSHA. Waste containing greater than 350 milligrams per kilogram (mg/kg) total lead or 5 mg/l milligrams per liter (mg/l) soluble lead is subject to special disposal requirements. Title 17, Division 1, Chapter 8 of the CCR provide regulations implementing the provisions of Section 105250 of the H&SC.

Under Senate Bill (SB) 460, as codified in Sections 105253 and 105254 of the H&SC, beginning January 1, 2003, it is a criminal offense to violate certain elements of existing DHS regulations (Title 17 CCR Section 35001 et seq.) relating to lead hazard inspection, risk assessment, and/or abatement work in residential or public (public-

accessible) buildings. As indicated therein, it is a criminal offense for an individual to conduct lead inspection, risk assessment, and/or abatement work in a residential or public building without a current certification from a DHS-accredited training provider.

Existing environmental control systems, permit, and notification requirements are presently in place to ensure both worker safety and to reduce the release of LBP into the environment. As a result, since all LBP must be removed and disposed of in the manner required by law, project-related impacts with regards to LBP would be less than significant.

6. Project construction may require soil excavation or filing in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contaminants.

Lead Agency Response 6:

Based on the negative findings of the Phase I ESAs described in the Summary Report and required compliance with existing local, State, and federal regulations regarding the handling and treatment of hazardous materials and implementation of best management practices, in the absence of any identified significant or potentially significant environmental effects, no specific mitigation measures were included in the DEIR (pp. 4.11-18 through 4.11-21).

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.11-24) has been revised to ensure that the removal and remediation of on-site soil contaminants, if subsequently identified, is conducted in compliance with applicable local, State, and federal requirements and procedures during site clearance and project construction in Section 4.11 (Hazards and Hazardous Materials).

Soil Contaminants

No actionable soil contaminants have been identified as occurring or suspected of occurring on the project site. During construction, contaminated soils may, however, be encountered. If encountered, these contaminated materials could be classified as hazardous wastes and would

require disposal in accordance with applicable hazardous material regulations at accepted depositors. Owners and contractors encountering these materials are required to comply with and conform to all institutional controls governing the storage, transportation, use, handling, and disposal of hazardous materials.

During construction, soil suspected of being contaminated by visual observations of debris, discoloration or sheen, and/or odor may be encountered. If encountered, these contaminated materials could be classified as hazardous wastes and would require disposal or remediation in accordance with applicable County hazardous waste regulations.

Excavated soils which contain concentrations of certain substances including heavy metals and hydrocarbons generally are regulated under California hazardous waste regulations. Numerous local, State (Title 22, CCR) and federal rules regulate the handling, transportation, and disposition of these soils. Existing laws and regulations address the discovery and remediation of contaminated sites, and require the preparation of health and safety plans and mandate worker training and other activities designed to protection workers from exposure to contamination (e.g., 29 CFR Part 1910.120, Section 5192 of the CCR). These regulations establish specific requirements for hazardous waste handling, transport and disposal, including requirements to use approved disposal and treatment facilities, use certified hazardous waste transporters, and use manifests to track hazardous materials.

7. Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any release of hazardous materials that may pose a risk to human health or the environment.

Lead Agency Response 7:

Based upon the information set forth in the Summary Report, no areas of environmental concern were identified (pp. 4.11-18

through 4.11-21 and 4.11-24). In the DEIR, Section 4.7 (Air Quality) evaluated the proposed project's potential impact on human health and sensitive receptors from construction activities and identified mitigation measures, such limiting idling time of all construction equipment within 100 feet of homes and schools (Mitigation Measure 7-5); limiting active grading activities within 1,000 feet of residential receptors (Mitigation Measure 7-6); watering active grading areas three times per day to control dust (Mitigation Measure 7-1); and locating stationary equipment at least 100 feet away from homes or schools wherever possible (Mitigation Measure 7-8). See also Response Nos. I-2-2(5) and I-2-2(6).

8. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

Lead Agency Response 8:

The potential presence of on-site hazardous wastes associated with the proposed project's operation are expressly addressed under Environmental Impact 11-3 in the DEIR (pp. 4.11-30 through 4.11-31). Specifically, the DEIR notes: "Other than through the exclusion of heavy-industrial uses and the presence of existing federal and State laws and regulations relating to the transport, storage, use, and consumption of hazardous materials, the specific plan contains no prohibitions or use restrictions regarding hazardous materials and/or the generation and disposal of hazardous, medical, universal, or mixed wastes" (p. 4.11-30). The DEIR recognizes the potential for land-use compatibility impacts associated with the placement of certain permitted or conditionally permitted land uses adjacent to other existing uses within and adjacent to the LCRSP and recognizes that Environmental Impact 11-3 would be mitigated to a less-than-significant level by implementation of Mitigation Measure 1-1, as well as Mitigation Measures 7-16 and 7-17. See also Response Nos. I-2-2(5) and I-2-2(6).

9. If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition

in the area should cease and appropriate health and safety procedures should be implemented.

Lead Agency Response 9:

The potential presence of on-site hazardous wastes associated with the project's construction is expressly addressed under Environmental Impact 11-1 in the DEIR (p. 4.11-28). The DEIR recognizes that, pursuant to Health & Safety Code Section 25507, "[a]ll significant hazardous material spills or threatened releases, including petroleum products (such as gasoline, diesel, and hydraulic fluid), regardless of quantity spilled, must be immediately reported if the spill has entered waters of the State, including streams and storm drains, or has caused an injury to a person or threatened injury to public health" (p. 4.11-28). Accordingly, best management construction practices and regulatory controls are now in place to both minimize the potential discharge of hazardous materials into the environment during construction operations and, should discharge occur, to provide appropriate notification and institute appropriate cleanup and disposal actions. Construction–term impacts associated with the potential release of hazardous materials will, therefore, not manifest as a significant impact. See also Response Nos. I-2-2(5) and I-2-2(6).

10. If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemicals, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approval by a government agency at the site prior to construction of the project.

Lead Agency Response 10:

The Summary Report addressed historical uses of the project site based upon a review of historic photographs. With the exception of the Sycamore Flat and Sycamore Canyon areas (Neighborhood I), no evidence was identified indicating that the project site was historically used for agricultural, livestock, or related activities. In the Sycamore Flat and Sycamore Canyon areas, portions of that area were used for vineyards and groves; however, all agricultural activity appeared to have ceased in the mid-1980's and the Summary Report did not identify any areas of stained soils or conditions of concern (Summary Report, pp. 2-3; 17, and 19-20). As noted in the Summary Report: "No significant soil staining or distressed vegetation were noted. There was no evidence during our site reconnaissance that significant quantities of hazardous materials have been mishandled or disposed of on the site" (Summary Report, p. 20). See also Response Nos. I-2-2(5) and I-2-2(6).

11. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for governmental agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteClearance/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntaryt Cleanup Coordinator, at (714) 484-5489.

Lead Agency Response 11:

This comment is acknowledged.

12. Also, in future CEQA documents, please provide your e-mail address, so DTSC can send you comments both electronically and by mail.

Lead Agency Response 12:

This comment is acknowledged.

Comment I-2-3 DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

Response I-2-3 This comment is acknowledged.

Comment I-2-4 In future CEQA documents, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

Response I-2-4 This comment is acknowledged.

Comment I-2-5 If you have any questions regarding this letter, please contact Mr. Rafiq Ahmen, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Response I-2-5 This comment is acknowledged.

Letter No. I-3
Bill Pfanner, Supervisor
California Energy Commission
Local Energy & Land Use Assistance Unit
Special Projects Office – Fuels and Transportation Division
1516 Ninth Street
Sacramento, California 95814-5512

Comment I-3-1 The California Energy Commission has received the City of Rialto's (Development Services Dept) Draft EIR titled Lytle Creek Ranch Specific

Plan, SCH 2009061113 that was submitted on 2/26/2010 for comments due by 4/12/2010. After careful review, the Energy Commission has found the following: We would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

Response I-3-1

As indicated in the DEIR (p. 4.14-1), Appendix F (Energy Conservation) of the State CEQA Guidelines was used as guidance to reduce the proposed project's energy usage. In particular, at the pages identified below, the DEIR explicitly addresses the following items listed in Appendix F:

Appendix F Item	DEIR Citation
Total energy requirements of the project by fuel type and end use.	Section 4.14 (Energy Resources) lists this information. Additionally, the climate change analysis in Section 4.7 (Air Quality) aggregates this information.
Energy conservation equipment and design features.	Table 4.7-17
Identification of energy supplies that would serve the project.	p. 2-104
Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.	Section 4.6 (Transportation and Traffic)
Existing energy supplies and energy use patterns in the region and locality.	Tables 4.1-2 and 4.1-3. See generally Section 4.14.
The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal.	See generally Section 4.14 (Energy Resources).
The effects of the project on local and regional energy supplies and on requirements for additional capacity.	As indicated at p. 4.14-18, will serve letters have been provided by the applicable utilities.
The effects of the project on peak and base period demands for electricity and other forms of energy.	See p. 4.7-14, fn.32
The degree to which the project complies with existing energy standards.	The project will exceed Title 24 standards. See pp. 4.7-133 and 4.7-147.
The effects of the project on energy resources.	As indicated at p. 4.14-18, will serve letters have been provided by the applicable utilities.
The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.	pp. 4.14-22 through 4.14-25.
Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal.	See Table 4.7-17's discussion of dimensional planning, use of recycled materials, and construction waste recycling.

The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid waste.	See Table 4.7-17's discussion of passive design and compact development.
The potential for reducing peak energy demand.	See p. 4.7-14, n.32.
Alternate fuels (particularly renewable ones) or energy systems.	See Table 4.7-17's discussion of preferred parking for hybrid vehicles, fuel cell vehicles, electric vehicles, and other fuel efficient vehicles.
Energy conservation which could result from recycling efforts.	See Table 4.7-17's discussion of solid waste management program.

As indicated in the DEIR, on a total daily valuation (TDV) basis, the Applicant has committed to making all new homes 15 percent more energy efficient than "2008 Building Efficiency Standards for Residential and Nonresidential Buildings – Regulations/Standards" (2008 Energy-Efficiency Standards). The following strategies are identified therein: (1) incorporation of passive design strategies including building shape and orientation, passive solar design, and the use of natural lighting; (2) incorporation of Low-E windows or use Energy Star windows; (3) installation of high-energy efficiency lighting systems with advanced lighting controls; (4) incorporation of motion sensors or timers on exterior fixtures; (5) utilization of properly sized and energy-efficient heat/cooling systems in conjunction with a thermally efficient building shell; (6) minimization of electric loads from lighting, equipment, and appliances; (7) implementation of some of the strategies of the EnergyStar program; and (8) for retail, commercial, office, and light industrial uses (a) utilization of light-colored roofing with high solar reflectance and (b) provision of preferred parking for hybrid and other fuel-efficient vehicles.

Comment I-3-2

In addition, the Energy Commission's Energy Aware Planning Guide is also available as a tool to assist in your land use planning. For further information on how to utilize this guide, please visit www.energy.ca.gov/energy_aware_guide/index/html.

Response I-3-2

As indicated in Table 4.7-17 (pp. 4.7-165 and 4.7-166) of the DEIR, the project would employ numerous sustainable design features to, *inter alia*: (1) reduce vehicle miles traveled though site planning and transportation demand management programs (e.g., project's mixed-use characteristics, compact and diverse development pattern, non-vehicular design elements, improvements to transit service, and ridesharing opportunities); (2) promote non-vehicular modes of travel; (3) reduce stormwater runoff via green practices (e.g., bioswales and minimization of impermeable surfaces, preservation of open space, planting of up to 30,000 trees); (4) reduce energy consumption through green building techniques such as exceeding Title 24 energy code requirements, passive solar design, use of natural lighting, high efficiency windows, high efficiency lighting with advanced controls and motion sensors/timers, energy efficient and properly-sized HVAC systems, energy monitoring dashboards, and cool roofs; (4) reduce waste through use of sustainable construction materials

(e.g., reused and recycled content, zero or low off-gassing, zero or low toxicity, sustainably harvested materials, high recyclability, durability, longevity, and local production), a construction waste recycling program, a solid waste management program, and dimensional planning; and (5) reduce water use via water conserving fixtures (e.g., ultra low-flow toilets and low-flow shower heads), recirculating systems for centralized hot water distribution, irrigation scheduling for landscaping, separate metering for landscaping, micro-irrigation, state-of-the-art irrigation controllers, turf minimization, and self-closing nozzles on hoses.

As indicated in the analysis presented in the DEIR regarding GHG emissions, the proposed project would exceed AB 32's goal of 28.3 percent below "business-as-usual" (BAU) due to the various GHG-reducing features incorporated into the project's design. Homes are expected to be 18 percent more energy efficient than the current housing stock in California. The non-residential buildings would be 13 percent more energy efficient than the average California non-residential buildings stock. Vehicular emissions attributable to residents would be 43 percent less per dwelling unit than under the BAU scenario. The combined GHG emission savings represent a 32.6 percent reduction from the BAU situation.

Comment I-3-3 Thank you for providing us the opportunity to review/comment on your project. We hope that our comments will be helpful in your environmental review process. If you have any further questions, please call Gigi Tien at (916) 651-0566.

Response I-3-3 This comment is acknowledged.

Letter No. I-4
George Blackburn, CFM, Branch Chief
United States Department of Homeland Security
FEMA Region IX
Floodplain Management and Insurance Branch
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Comment I-4-1 This is in response to your request for comments on the Notice of Completion for the Lytle Creek Ranch Specific Plan located in the City of Rialto, California

Response I-4-1 This comment is acknowledged.

Comment I-4-2 Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of San Bernardino (Community Number 060270) and City of Rialto (Community Number 060280), Maps revised August 28, 2008. Please note that the City of Rialto, San Bernardino County, California is a participant in the National Flood Insurance Rate Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

Response I-4-2 The FIRMs or as they are now called, Digital Flood Insurance Rate Maps (DFIRMs) were reviewed as part of the EIR preparation and applicable flood insurance rate maps are presented in Figure 4.4-3 (Portions of Flood Insurance Rate Maps for a Portion of San Bernardino County, FIRM Panel Nos. 0607CC7905H, 0607CC7910H, 0607CC7920H, 0607CC7940H [August 28, 2008]). The participation by the City is noted as is the floodplain management building requirements. All proposed development will be constructed in compliance with the floodplain management building requirements.

Comment I-4-3 A summary of these NFIP floodplain management building requirements are as follows: All buildings constructed within riverine floodplain, (i.e., Flood Zone A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

Response I-4-3 With regards to base flood elevations (BFEs), federal and County design and development regulations are discussed, in part, in the DEIR (p. 4.4-84). The DEIR discloses that portions of the project site are within the floodplain; however, the project proposes to elevate all areas within the flood plain in accordance with applicable laws and regulations such that the development areas will no longer be within the floodplain.

The minimum basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

Comment I-4-4 If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any development must not increase base flood elevation levels. The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Response I-4-4 The comment states that "[i]f the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any development must not increase base flood elevation levels." A "Regulatory Floodway" is defined at 44 CFR 59.1 as "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height." Regulatory Floodways are designated on the FIRMs or DFIRMs prepared by FEMA. The FIRM is the most common map produced by FEMA and, at a minimum, flood maps show flood risk zones and their boundaries and may also show floodways and Base Flood Elevations (BFEs). The DFIRMs for the project site are

reproduced at Figure 4.4-3 of the DEIR. The DFIRMs show that portions of the project site are located within Zones A and X. Zones A and X are designated "Areas of Special Flood Hazard" but this is not the same as a "Regulatory Floodway." "Areas of Special Flood Hazard" is defined at 44 CFR 59.1 as "the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM [Flood Hazard Boundary Map which is an older version of the flood hazard map that has been replaced by the FIRM]." So while portions of the project site may be within a mapped floodplain, they are not within a mapped "Regulatory Floodway" as delineated on the FIRM.

The reference in the FEMA letter to a "Regulatory Floodway as delineated on the FIRM" should not be confused with the land-use zoning district designation of "Floodway" that is contained in the County General Plan and which is the current land-use designation for a portion of the project site. The "Floodway" land-use zoning district is used in the County General Plan to "identify and preserve areas for flood flow, such as the channel of a river or drainage way, and those portions of the floodway adjoining the channels required to effectively carry the discharge of floodwater or flood flow of any river or stream" (County General Plan, Land Use Element, II-22). The "Floodway" designation is used for land-use planning purposes and must be distinguished from "Regulatory Floodways delineated on the FIRM" which sets forth certain restrictions on development as it pertains to increasing BFE levels. While portions of the project site are designated under the County General Plan as being within the "Floodway" land-use zoning district and are within mapped floodplain areas (i.e., Zone A and Zone X), these designations are not the same as a "Regulatory Floodway" as defined by FEMA and mapped on a FIRM. The project has been designed to not increase BFE levels.

Comment I-4-5

Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FERM of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Response I-4-5

A Conditional Letter of Map Revision (CLOMR) will be initiated by the Applicant. The CLOMR application has been submitted to the City and County and, upon approval of a "Community Concurrence Form" from the City and County, the CLOMR application will be submitted to FEMA.

Comment 1-4-6

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local

floodplain management building requirements. The Rialto City floodplain manager can be reached by calling Gene R. Klaft, Project Engineer, at (909) 421-4999. The San Bernardino County floodplain manager can be reached by calling Granville M. Bowman, P.E., Director, San Bernardino County Flood Control District at (909) 387-7906.

Response 1-4-6 The Applicant has been working with the County of San Bernardino County Flood Control District (District) and the City on the proposed revetment design.

Comment I-4-7 If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie of the Mitigation staff at (510) 627-7190.

Response I-4-7 This comment is acknowledged.

Letter No. I-5
James M. Squire, Deputy Director
County of San Bernardino
Land Use Services Department - Advanced Planning Division
385 North Arrowhead Avenue
San Bernardino, California 92415-0182

Comment I-5-1 We received the Notice of Completion and Environmental Document Transmittal regarding the Lytle Creek Ranch Specific Plan. This letter is to advise you that we will be reviewing the documents and will submit our comments back to you before the deadline date of April 15, 2010. Thank you for including us on the mailing list.

Response I-5-1 This comment is acknowledged.

Letter No. I-6
Delaine W. Shane, Manager
Metropolitan Water District of Southern California
Environmental Planning Team
700 N. Alameda Street
Los Angeles, California 90012

Comment I-6-1 Thank you for your letter regarding your proposed project located in the County of San Bernardino in the city of Rialto. We reviewed the notice and documentation and determined the proposed Project is not regionally significant to The Metropolitan Water Districts of Southern California (Metropolitan). Metropolitan does not own or operate any facilities or maintain real estate entitlements within the footprint of the proposed Project; however, we support increased water conservation efforts and encourage projects to include water conservation measures such as using water efficient fixtures, drought-tolerant landscaping, and use of recycled water to offset increases in water use. Additional information on water conservation measures is available on Metropolitan's website at www.bewaterwise.com.

Response I-6-1 This comment is acknowledged.

Comment I-6-2 Should there be a change in the scope of the Project, we would appreciate the opportunity to review and comment at that time. If we can be of further assistance, please contact Mrs. Rebecca De Leon at (213) 217-6337.

Response I-6-2 This comment is acknowledged.

Letter No. I-7
Dennis Nugent, Executive Director
Fontana Unified School District – Facilities
9680 Citrus Avenue (P.O. Box 5090)
Fontana, California 92334-5090

Comment I-7-1 The District has reviewed the Draft EIR for the Lytle Creek Ranch Specific Plan (LCRSP), and has the following comments.

Response I-7-1 This comment is acknowledged.

Comment I-7-2 FUSD/RUSD Boundary Splits Planned Neighborhoods. The DEIR references that the planning areas are not coterminous with school district boundaries, but is unclear as to which school district(s) serve particular neighborhoods. Neighborhood IV is listed as serving only the FUSD (page 4.9-97), although Neighborhood IV is bisected by the FUSD/RUSD boundary (map attached). Additionally, Neighborhood III is split between FUSD and RUSD, with the potential not only for neighbors to be split amongst school districts but individual lots and dwelling units could potentially be split by the existing district boundaries. Please include clarifying language and/or a new map that outlines which project areas attend which school district.

Response I-7-2 As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.9-97) has been revised to indicate that Neighborhoods III and IV are split been the RUSD and FUSD in Section 4.9 (Public Services and Recreation).

> The project site is located within the boundaries of three separate school districts. As illustrated in Figure 4.9-10 (Existing School District Boundaries), ~~a~~ portions of Neighborhoods I and IV and the developed areas within Neighborhoods II and III are located within the boundaries of the Rialto Unified School District (RUSD). A portion of Neighborhood I and the undeveloped portions of Neighborhoods II and III are located within the boundaries of the San Bernardino City Unified School District (SBCUSD).
>
> Portions of Neighborhoods III and IV ~~is~~ are located within the boundaries of the Fontana Unified School District.

The DEIR recognizes that the Applicant may seek approval from one or more school districts to allow for modifications of existing school district boundaries in order to reduce the need for student busing and/or avoid situations where neighbors' children attend different schools (p. 4.9-97). Accordingly, to alleviate FUSD's concerns that individual lots and dwelling units could potentially be split by existing school district boundaries, the Applicant has offered a voluntary condition of approval requiring the Applicant to use good-faith efforts to work with the RUSD and FUSD to initiate a proposal to transfer FUSD's service area within the boundaries of Neighborhoods III and/or IV to RUSD, pursuant to the provisions of Division 3, Part 21, Chapter 4 of the California Education Code (CEC). This voluntary condition, should the City decide to impose it, would be an enforceable condition of the proposed project but would not be a mitigation measure under CEQA, as there is no significant environmental impact that predicates the need for that condition.

Comment I-7-3 School Capacities. The DEIR calculations regarding the number of new schools needed to serve the current FUSD capacity deficit assumes site sizes of 750, 1200, and 3000 students for elementary, middle, and high schools, respectively. The FUSD board has approved target populations for high schools of 2,500 students, which would increase the high school need form 1.2 to 1.44 high schools.

Response I-7-3 As indicated in the DEIR, the information on the projected number of new schools needed within the FUSD based on projected growth in that district was derived from the FUSD's "School Facilities Needs Analysis – Fontana Unified School District" (School Planning Services, Inc., March 2007) and Tables 1-6 in the California Department of Education's (CDE) "School Site Analysis and Development" (CDE, 2000). The Lead Agency concurs that the design capacity of new and/or existing schools, including each school's ability to accommodate portable facilities, could influence the number of new schools and/or new portable facilities required to accommodate new school-aged children attributable to the proposed project.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.9-58) has been revised to reflect the change in FUSD standards for high school size in Section 4.9 (Public Services and Recreation).

> Based on FUSD standards and DOE guidelines for school size, the existing enrollment in excess of permanent facility capacity can be converted into a specified number of "equivalent schools." In the absence of other strategies, a need for approximately 5.82 new elementary schools, 0.41 middle schools, and ~~1.20~~ 1.44 high schools can be calculated.

This change in standards does not affect the environmental analysis of potential school impacts, as it does not change the student generation from the proposed project. Moreover, as noted in the DEIR (p. 4.9-102),

the Applicant's obligations to local school districts does not entail the designation and/or dedication of real property for school sites. Rather, payment or satisfaction of an applicable school impact fee levied or imposed pursuant to Section 17620 of the CEC in "the amount specified by [Government Code] Section 65995 and if, applicable any amounts specified in [Government Code Sections] 65995.5 or 65995.7. . .[is] deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in [Government Code] Section 56021 or 56073, on the provision of adequate school facilities" (Sections 65995(h) and 65996, California Government Code) Mitigation Measure 9-6 has been formulated to require that, prior to the issuance of any building permits, the Applicant shall deliver to the City evidence of compliance with applicable school impact fee requirements. The City's receipt of that documentation constitutes evidence that impacts on each affected school district have been mitigated to a less than significant level (p. 4.9-102).

Comment I-7-4

Previous District Comments. The FUSD submitted comments in response to the NOP of the EIR in July of 2009. The Comment letter was not included in the public comment section of the DEIR, Appendix I-A-B. A copy of that correspondence is attached.

Response I-7-4

The referenced letter from the FUSD has been included herein and each of the items presented in that letter have been separately addressed by the Lead Agency.

Comment I-7-5

Project-Generated students in the FUSD area north of the I-15 Freeway. It appears that all of the residential units within Neighborhood IV are housed within the FUSD boundary. This area is a 54-acre area zoned for Multi-Family Residential (MRF, 14-28 du/acre) that will contain a proposed 869 dwelling units. According to the DEIR (page 4.9-101) the 869 units are anticipated to generate 391 K-5 students, 165 6th-8th grade students, and 253 9th-12th grade students. The District does not operate any schools north of the I-15 Freeway, and does not have the capacity at existing schools to house the elementary school students anticipated to be generated from the proposed project. The nearest elementary school, Sierra Lakes Elementary, is anticipated to have 0 remaining capacity when the proposed project is constructed due to other previously planned projects that will be built before the proposed project. The 391 K-5 students are greater than 60% of a new elementary school (FUSD Board of Education desired site size for an ES is 650) and as a result the District may require an additional elementary school to house students generated by the project.

Response I-7-5

Notwithstanding FUSD's concerns over increased capacity at existing schools, the FUSD is required to accommodate all students who come to reside in FUSD's boundaries and to make plans over time that reflect changing student populations. The right to a public education is a

fundamental right fully guaranteed and protected by the California Constitution (Butt v. State of California [1992] 4 Cal. 4th 688, 685). State law mandates that "all persons in public schools. . .[must be afforded] equal rights and opportunities in the educational institutions of the state" (Section 200, CEC).

The Applicant is not required to construct an additional elementary school as a result of the implementation of the proposed project. With regards to the payment of school impact fees providing full and complete mitigation of any impacts on schools resulting from the proposed project, see Response No. I-7-3 above.

Comment I-7-6

In addition to school capacity, the District has concerns regarding student transportation. No area north of the I-15 is set aside for school use, and the District does not have any property available to construct any schools north of the I-15. As a result, a large number of students will be placed in an area that is somewhat isolated from the rest of the District and does not have the same access to schools as other neighborhoods. All 808 K-12 students generated by the project will need to be transported south across the I-15 freeway to attend school. It is not clear if that was the assumption used in the traffic analysis section.

Response I-7-6

Proposed Neighborhood IV, a portion of which is located within FUSD, would be located north of the I-15 Freeway. Neighborhood IV will have primary access off of Lytle Creek Road, which extends northerly from Sierra Avenue north of the I-15 Freeway and forms the western border of the project site (pp. 4.6-23 and 4.6-42). Lytle Creek Road also extends southwesterly from Sierra Avenue to Duncan Canyon Road west of the I-15 Freeway. Duncan Canyon Road traverses the I-15 Freeway; Lytle Creek Road extends southerly starting at Duncan Canyon Road on the east side of the I-15 Freeway (p. 4.6-23). In addition, Sierra Avenue would provide regional access to Neighborhood IV (p. 4.6-42). Sierra Avenue extends southerly from Lytle Creek Road north of the I-15 Freeway and crosses the I-15 Freeway (p. 4.6-23).

The DEIR analyzes anticipated traffic flow from Neighborhood IV across the I-15 Freeway. Specifically, the DEIR analyzes intersection volume and traffic flow at both morning (AM) and evening (PM) peak hours at the following intersections: (1) I-15 Freeway Southbound (SB) On/Off Ramps/Sierra Avenue (located just north of the I-15 Freeway and slightly south of Neighborhood IV); (2) I-15 Freeway Northbound (NB) On/Off Ramps/Sierra Avenue (located just south of the I-15 Freeway); (3) I-15 Freeway SB On/Off Ramps/Duncan Canyon Road; and (4) I-15 Freeway NB On/Off Ramps/Duncan Canyon Road/Lytle Creek Road (p. 4.6-33; Figures 4.6-7 and 4.6-8; Table 4.6-12). As noted in the DEIR, the I-15 On/Off Ramps at Duncan Canyon Road do not currently exist but are scheduled to be constructed by Year 2030 (p. 4.6-36).

With respect to the intersections of the I-15 Freeway SB On/Off Ramps and Sierra Avenue (just north of the I-15 Freeway) and the I-15 Freeway

NB On/Off Ramps and Sierra Avenue (just south of the I-15 Freeway), the DEIR concludes that a potential impact would occur prior to mitigation, but that recommended mitigation measures would reduce impacts to a less-than-significant level (p. 4.6-54).

As set forth in Mitigation Measure 6-4, at the I-15 Freeway SB On/Off Ramps and Sierra Avenue (just north of the I-15 Freeway), the Applicant would be required to equitably contribute to the improvement of Sierra Avenue by providing dual left-turn lanes and two through lanes in the northwest-bound direction and two through lanes and one free right-turn lane in the southeast bound direction (p. 4.6-86). At the I-15 Freeway NB On/Off Ramps and Sierra Avenue (just south of the I-15 Freeway), the Applicant would be required to equitably contribute to the improvement of Sierra Avenue by providing dual left-turn lanes and two through lanes in the southeast-bound direction and two through lanes and one-right turn lane in the northwest-bound direction (p. 4.6-86). Moreover, a traffic light would be installed at each intersection (p. 4.6-86).

The DEIR concluded that there would be no significant impacts at the I-15 Freeway On/Off Ramps/Duncan Canyon Road intersections, where drivers proceeding south on Lytle Creek Road (from the area of the project site) can cross the I-15 Freeway at Duncan Canyon Road (Table 4.6-12). As indicated in the DEIR, as mitigated, all project-related and cumulative traffic impacts will be reduced to a less-than-significant level (p. 4.6-88).

The project's traffic analyses accounted for predicted residential traffic, including traffic generated by residents traveling to/from work and school. The transportation model used for the traffic analysis took all types of trips into account. The model network included the proposed project disaggregated into zones (areas) and determined the other land uses to which each project trip would be connected. The analysis included trips between the residential uses in the northern project areas and the Neighborhood III sites planned for school use. The trip estimates, therefore, included the school trips to which the commentor is alluding. See, for example, Appendix II-G (Traffic Impact Analysis) in the DEIR (Appendix II-G, p. 46).

In addition, with regards to the Applicant's offer for a voluntary condition of approval that could ultimately amend the borders of the FUSD and RUSD service areas, see Response No. I-7-2 above.

Comment I-7-7

In addition to traffic generated, the safety of students walking to school across the I-15 is a concern. The walking trails outlined in the DEIR provide connectivity within the specific plan area, but do not account for the reality that the project places a large number of students on the other side of a major highway, and that those students will be walking to school sites outside the project area as they are not zoned to attend the school sites set aside within the project area. The District requests that some type of narrative, explanation, or additional walking path on the diagrams

be included in the DEIR that outlines pedestrian options for students and parents that need to cross the I-15 along Sierra Avenue to reach destinations outside of the specific plan area.

Response I-7-7 The proposed project, if approved, would be built out over time. The FUSD would be expected to consider those changes in student populations along with all other changes in student populations that occur separate from the development of the proposed project in FUSD's planning for future management of its existing and any new school facilities. As such, it is speculative to predict now precisely where future project residents will attend school or how they will travel to school. It is common throughout California for some school students of sufficient age to walk to school when their schools are close enough to do so and have safe walking routes, for some school students to be driven to school by their parents or parent carpools, and for some school students to travel in school buses. Reflecting the student population at that time and the locations and management practices of its school campuses at that time, FUSD and future project residents, like all school districts and parents in the State, will be expected to make adequate plans for students to be safely transported to and from school. Also, because student populations and the availability and operations of school facilities are not static, those future plans for students to be safely transported to school would be similarly expected to change over time, as is common across the State.

With regards to payment of school impact fees constituting full mitigation of potential impacts on schools, see Response No. I-7-5 above.

As set forth in Response No. I-7-2, "the Applicant may seek approval from one or more school districts to allow for modifications to existing school district boundaries in order to reduce the need for student busing" (p. 4.9-97). Accordingly, the proposed project contemplates that students within Neighborhood IV might not have to travel to schools outside the project area.

Comment I-7-8 The District appreciates the opportunity to comment on this project, should you require further information regarding this matter please contact me at (909) 357-7521.

Response I-7-8 This comment is acknowledged.

Comment I-7-9 The proposed Lytle Creek Ranch Specific Plan is split between the Fontana Unified School District and Rialto Unified School District. We request that the environmental analysis include the impact of the project on school facilities (new student generation), traffic and transportation to/from school. Please break down this analysis by school district so that it is clear in the documents what the effects will be on the FUSD and on the RUSD individually.

Response I-7-9 The DEIR (p. 4.9-101) provides a student generation table for each neighborhood of the proposed project based on student generation

factors of the RUSD but does not present an estimate by individual school district. As indicated in the DEIR: "The planning areas that comprise the LCRSP are not coterminous with existing school district boundaries, such that the potential exists that families residing on the same block or along the same street (such that the children interact in a residential setting) may send their school-age children to different schools in different districts. Because the project's planning areas and each district's boundaries are not aligned and the internal transferability or residential units and non-residential square footages between neighborhoods, pending the preparation of project-level loting plans, it is not possible to precisely predict the number of dwelling units and/or the square footage of non-residential uses that would be located within each school district. Similarly, because the proposed LCRSP includes two future school sites (proposed within the jurisdiction of the RUSD) the Applicant may seek approval from one of more school districts to allow for modifications of existing school district boundaries in order to reduce the need for student busing and/or avoid situations where neighbors' children attend different schools" (p. 4.9-97).

The DEIR further notes that "[a]ssuming the retention of the existing school boundaries and a reasonable approximation of the residential and non-residential development that is now proposed within each of those districts, estimates of district-specific impacts can be formulated but remain subject to revision once project-project development proposals are submitted to the City" (p. 4.9-97). However, in the absence of a loting plan, the Department concluded that a district-specific allocation of students was speculative and elected not to include that estimate therein.

Because the project's build-out is expected to last until 2030, because the project's planning areas and each school district's boundaries are not aligned, and because there is an opportunity for the internal transferability of residential units and non-residential square footages between neighborhoods, at this time, it is not possible to precisely predict the number of dwelling units and/or the square footage on non-residential uses that would be located within each school district (p. 4.9-97).

Since more detailed information would be available at the project or "B" level subdivision map level, a number of measures (Mitigation Measures 9-6 and 9-7) were formulated to ensure that authorized residential and non-residential development fully mitigated district-specific impacts attributable to that development.

With regards to "traffic and transportation to/from school," see Response Nos. I-7-6 and I-7-7 above. With regards to payment of school impact fees providing full and complete mitigation of all school impacts, see Response No. I-7-5.

Comment I-7-10

Additionally, there are a significant number of units planned within the FUSD boundary north of the I-215 freeway. Currently the FUSD does not operate any schools north of the I-215, and the number of students

generated by the project may require an additional elementary school. We request that the student generation analysis be broken out by school district to determine the impact on the FUSD and that any transportation needs such as a new overpass to allow for the transport of students across the I-215 be included in that analysis.

Response I-7-10 The commentor is incorrect in stating that there are units planned within the FUSD boundary north of the I-215 Freeway. There is, however, residential development planned for the portion of the project site north of the I-15 Freeway, some of which is included in FUSD's boundaries. The DEIR (p. 4.9-101) provides a student generation table for each of the proposed project's neighborhoods based on the RUSD's student generation rates.

With regards to payment of school impact fees providing full and complete mitigation of all school impacts, see Response No. I-7-5. With regards to improvements to intersections at Sierra Avenue adjacent to the I-15 Freeway resulting from the implementation of Mitigation Measure 6-4, see Response No. 1-7-6.

Comment I-7-11 The District appreciates the opportunity to comment on this project, and should you have any questions regarding the information contained in this letter or require further information please contact me at (909) 357-7522, extension 29456, or via email at purema@fusd.net. Thank you for your assistance in this matter.

Response I-7-11 This comment is acknowledged.

Letter No. I-8
Wael Elatar, Facilities Administrator
San Bernardino City Unified School District
Facilities Management/Maintenance & Operations
956 West 9th Street
San Bernardino, California 92411

Comment I-8-1 San Bernardino City Unified School District would like to submit the following comments regarding the Draft Environmental Impact Report for the Lytle Creek Ranch Specific Plan. SBCUSD is currently planning a K-8 school to be built in the vicinity of Lytle Creek Ranch project. However, the design for this school did not take into account the additional capacity which would be generated by approximately 812 dwelling units planned on the SBCUSD portion of the Lytle Creek Ranch Project. Therefore, the San Bernardino City Unified School District is requesting sufficient mitigation measures to address the capacity issues across all grades due to approximately 627 students which are projected to be generated from the Lytle Creek Ranch dwelling units to be constructed within the SBCUSD boundary.

Response I-8-1 The DEIR discloses that a portion of the project site (specifically, a portion of Neighborhood I and the developed areas within Neighborhoods II and

III, as illustrated in Figure 4.9-10) is located within the boundaries of the San Bernardino City Unified School District (SBCUSD). Mitigation Measure 9-6 requires that prior to the issuance of any building permits for residential or non-residential uses within the boundaries of the applicable school districts, such as SBCUSD, the Applicant must "present the City with a certificate of compliance or other documentation acceptable to the City demonstrating that the Applicant has complied with applicable school board resolutions governing the payment of school impact fees and/or has entered into an Assembly Bill 2926-authorized school facilities funding mitigation agreement with the applicable school district(s) or is exempt from the payment of school impact fee exactions" (p. 4.9-120).

Payment of a school impact fee under Section 17620 of the CEC is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities" (Sections 65995(h) and 65996, CGC). Compliance with this mitigation measure will reduce the project's impact on schools, including the facilities within the jurisdiction of SBCUSD, to a less-than-significant level.

Letter No. I-9

Jeff Brandt, Senior Environmental Scientist
California Natural Resources Agency
Department of Fish and Game
3602 Inland Empire Boulevard, Suite C-200
Ontario, California 91764

Comment I-9-1 The Department of Fish and Game (Department) appreciates this opportunity to comment on the Lytle Creek Ranch Specific Plan Draft Environmental Impact Report (SP/DEIR). The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary action (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 et seq.) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

Response I-9-1 This comment is acknowledged.

Comment I-9-2 The proposed project involves the potential construction of 8,407 residential dwelling units, and 849,420 square feet of commercial space on 2,447.3 acres. The project also involves the construction of seven miles of levee, including improvements on property currently mined by Cemex USA and additional levee improvements of 0.6 acres.

Response I-9-2 This comment is acknowledged. The correct term for the new construction proposed by the project is "revetment" rather than "levee."

Any reference to new construction of a "levee" in Neighborhoods II, III, or IV in the DEIR are actually intended to refer to the more accurate term "revetment."

The 10.1 acres of off-site improvement within property owned by Cemex USA between Neighborhoods II and III will involve improvements to an existing levee (see Figure 2-10 in the DEIR for the location of off-site levee improvement on Cemex USA property). In all other instances, the term "revetment" is more accurate to refer to the proposed structure. A revetment differs from a levee in that a levee is an earthen embankment that is elevated such that the water surface on the riverine side is higher than the pad elevations of the protected structures or features on the opposite side. A revetment is constructed to provide erosion slope protection. Put another way, a levee is constructed for those situations where the water level on the creek or water body side of the levee is higher than the ground level of the development area on the land side of the levee. That is not the physical condition on the project site. The project proposes to elevate the development area on the land side of the levee which will result in it being at a higher elevation than the water level on the creek-side of the facility.

Comment I-9-3 CEQA Process. Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the Draft Environmental Impact Report (DEIR) and additional alternatives or mitigation measures which should be included in the EIR. As a Responsible Agency the Department will be obligated to consult the Final EIR in order to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the Final Specific Plan EIR fails to identify and adequate mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

Response I-9-3 This comment is acknowledged. The commentor is correct that a responsible agency's responsibilities and limitations under CEQA are spelled out in Section 15096 of the State CEQA Guidelines, which differ somewhat from the commentor's summary. Also, as explained in the DEIR, the Lead Agency has concluded that all potentially significant environmental impacts of the proposed project relating to biological resources or hydrology have been identified in the DEIR and, where those impacts have been found by the Lead Agency to be significant, appropriate mitigation measures have been imposed to reduce the potentially significant impacts to a level below significance.

Comment I-9-4 Project Comments. The primary concern of the Department is the proposed construction of approximately seven (7) miles of levee in the Lytle Creek floodplain and the potential impact of the proposed levee on existing plants and animals in Lytle Creek, potential impacts resulting

from channelization of the stream, and possible future measures to protect the levee system from erosion. The proposed impact analysis is deficient and therefore the proposed mitigation measures are also deficient. Due to the fact that many of the projects are dependent upon the construction of a levee, the direct, indirect and cumulative impacts of the levee should be analyzed and mitigated for in the FEIR. The Department recommends the City reexamine the project to identify all impacts, re-analyze and quantify all impacts, prepare a new mitigation proposal to adequately address all impacts, ensure cumulative impacts are considered on a local and regional basis, and revise the alternative analysis to include a discussion of the project without the levee.

Response I-9-4

The above comment constitutes a summary of the major points raised in the comment letter. Each of these issues is separately addressed in the responses set forth below.

See Response No. I-9-2 with respect to the comment referring to seven miles of levee.

The direct, indirect, and cumulative impacts of the proposed revetment construction and the levee improvement off the project site on the Cemex USA property have been analyzed in the DEIR and the Biological Resources Assessment (BRA), included as Appendix III-D (Biological Resources Assessment) in the DEIR, and any significant impacts have been mitigated to a level below significance. As explained more fully in the DEIR (pp. 4.5-92-93) and BRA (BRA, pp. 1, 2, and 95), impacts associated with the ground disturbance and construction of the revetments (both within Neighborhoods II, III, and IV and off the project site in Neighborhood IV to the northwest and Neighborhood II to the southeast) have been included in the calculation and assessment of the land that would be disturbed. That is, the revetment footprint has been included within the envelope of the development footprint (p. 4.5-92). Temporary impacts resulting from ground disturbance necessary to construct the revetment have also been included (p. 4.5-93). Similarly, the direct, indirect, and cumulative impacts associated with the ground disturbance associated with improvement of the levee on the Cemex USA property between Neighborhoods II and III have been analyzed in the DEIR (pp. 1-4, 4.5-28, 4.5-50 (fn37), 4.5-93, and 4.5-103) and BRA (BRA, p. 2, Figure 3, Table 10, and Figures 23, 24 and 25).

PACE Advanced Civil Engineering, Inc. (PACE) prepared a technical memorandum to clarify and supplement the DEIR's analysis and respond to the hydraulic and geomorphologic issues raised in the comment letter. That report, entitled "PACE Response to Comments on Lytle Creek Ranch Specific Plan Draft EIR" (PACE Advanced Water Engineering, May 5, 2010), is included in Appendix IV-C (PACE May 5, 2010 Technical Memorandum) herein. As explained in that technical memorandum and in Response Nos. I-9-8, I-9-9, I-9-12, I-9-13, and I-9-14, no significant changes to the hydrology within Lytle Creek or downstream portions thereof (or to Cajon Creek at the confluence with Lytle Creek or within the

Vulcan conservation lands in Cajon Creek) are expected to result directly, indirectly, or cumulatively after construction of the revetments or the improvements to the Cemex USA levee between Neighborhoods II and III proposed by the project.

Comment I-9-5

Biological Resources. The project potentially involves the take of the following species: the federally-listed San Bernardino kangaroo rat (SBKR) (*Dipodomys merriami parvus*), the State and Federally-listed least Bell's vireo (LBV) (Vireo belli pusilius), and the State and Federally-listed southwestern willow flycatcher (SWWFL) (*Empidonax trailli*). Other sensitive biological resources on the site include: Los Angeles pocket mouse (LAPM) (*Perognathus longimembris brevinasus*), burrowing owl (*Athene Cunicularia*), Plummer's mariposa lily (*Calochortus plummerae*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), San Diego horned lizard (*Phrynosoma coronatum* ssp. *blainvillei*), golden eagle (*Aquila chryaethos*), northern harrier (*Circus cyaneus*), American peregrine falcon (*Falco peregrinus anatum*), white-tailed kite (*Elanus leucurus*), longgerhead shrike (*Lanius ludovicianus*), Vaux's swift (*Chaetura vauxi*), yellow warbler (*Dendroica petechia brewsten*), yellow-breasted chat (*Icteria virens*), western mastiff bat (*Eumops perotis*), San Diego pocket mouse (*Chaetodipus fallax fallax*), western spadefoot (*Spea hammondii*), orange-throated whiptail (Aspidoscelis hyperythra), silvery legless lizard (*Anniella pulchra pulchra*), coast patch-nosed snake (*Salvador hexalepis virgultea*), San Diego desert woodrat (*Neotoma lepida intermedia*) and southern grasshopper mouse (*Onychomys toddidus Ramona*). Sensitive habitats include Riversidean alluvial fan sage scrub (RAFSS), Riversidean Sage Scrub (RSS), southern cottonwood willow, sycamore, stream channels and floodplain. Historically, the slender horned spineflower, least Bell's vireo (LBV), southwestern willow flycatcher (SWWFL) and coastal California gnatcatcher (CCGN) were observed on the site but were not discovered in recent focus surveys. The Department recommends field surveys at the appropriate time of year prior to construction to determine if these species are present.

Response I-9-5

The federally-listed SBKR and the State and federally-listed LBV have been observed occupying habitat within the project site and the project potentially involves the take of these species. Similarly, a number of the other species of concern listed in the comment have been observed within the project site and could be affected by the project. However, the status of several of the species listed should be clarified so as to be factual and avoid speculation.

First, the statement in the comment that the project potentially involves the take of the State and federally-listed southwestern willow flycatcher is speculative. As described in the DEIR (p. 4.5-75) and BRA (BRA, p. 81) two individual willow flycatchers (*Empidonax traillii*) were observed in May 2006 along the southern boundary of Neighborhood II within ornamental trees adjacent to the El Rancho Verde Golf Course. Based on willow flycatcher migration patterns and periods, these birds are considered to have been transients, as they were not observed on any previous or

subsequent surveys, including focused surveys for the southwestern willow flycatcher. Moreover, no suitable habitat for this species is present in the location these birds were observed. In May 2007, focused surveys for this species resulted in one observation of this species in the Sycamore Flat riparian habitat in Neighborhood I. Focused surveys for this species conducted in 2008 detected one migrant willow flycatcher in May of that year in Sycamore Flat. The individuals observed in 2007 and 2008 are considered to have been migratory transients passing through the study area and, based on the survey results, the State and federally-listed southwestern willow flycatcher is not expected to occur (as a breeding species) within the project site. Also, although the State-listed willow flycatcher has been observed on the project site on a transient basis, the federally-listed subspecies (the southwestern willow flycatcher) has never been confirmed as observed on the site. The statement in the comment that the project potentially involves the take of this species is, therefore, speculative.

Second, the comment states that a number of other sensitive biological resources occur on the project site, possibly leading the reader to assume they were actually observed occupying habitat within the development footprint. In several cases, this is not the case and the circumstances surrounding the status of certain of these species on site should be clarified. Concerning the burrowing owl, as stated on DEIR (pp. 4.5-74 and 4.5-75) and BRA (p. 81), this species was incidentally observed within the San Bernardino Kangaroo Rat Conservation Area in September 2006, February 2007, and January 2009. All observations were made within the San Bernardino Kangaroo Rat Conservation Area along the southern edge of the large island where chamise (*Adenostoma fasciculatum*) and non-native grasses have been removed. The occupation by burrowing owl is likely a secondary benefit of the habitat being maintained in an open vegetation condition. Conversely, except for the active wash areas where burrowing owl could not exist, the project site supports relatively dense vegetation and is not conducive to the species. This conclusion was validated by the results of Phase I and II surveys which determined the burrowing owl does not currently occur within the development footprint (BRA, p. 81). Additionally, the golden eagle, American peregrine falcon, vaux's swift, and western mastiff bat are wide ranging and/or migratory species that may fly over or forage within the study area but are not expected to use the site as a vital component of their habitats. For example, the golden eagle, American peregrine falcon and vaux's swift were observed on but one or a few occasions during multiple surveys over the past several years. The western mastiff bat was detected foraging over the study area but would not roost on site due to the absence of suitable refugia. Finally, the western spadefoot, orange-throated whiptail, silvery legless lizard, coast patch-nosed snake, San Diego desert woodrat, and southern grasshopper mouse were not observed anywhere on the project site. As noted in the BRA (Table 6), these species were included in the analysis due to the possibility that they occur on the site in potentially suitable habitat.

Regarding the comment that RAFSS, Riversidean sage scrub, southern cottonwood willow, sycamore, stream channels and floodplains are sensitive habitats, the BRA (BRA, p. 55) and DEIR (p. 4.5-65) acknowledge this in their approaches to the assessment of impacts and formulation of mitigation measures.

With reference to the comments made regarding historical observations of certain species on the project site, it cannot be confirmed that the willow flycatchers observed on the site were in fact southwestern willow flycatchers. It is more likely that the birds observed as transients were not southwestern willow flycatchers as they continued their migration shortly after being observed (see DEIR, p. 4.5-75 and BRA, pp. 81, and 127-128).

The DEIR examined the project site for each of the species identified by the CDFG and described their status relative to the site in the existing conditions section. The DEIR (pp. 4.5-17 through 35, 4.5-36 through 47, and 4.5-65 through 87) adequately describes the existing conditions of the project site relative to these species, for which multiple years of surveying have been conducted..

The Department recommended an additional field survey for the slender horned spineflower, least Bell's vireo, southwestern willow flycatcher and coastal California gnatcatcher at the appropriate time of year prior to construction.

In response to the Department's recommendation, as presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.5-172, Table ES-3, and Table ES-4) has been revised to include a new mitigation measure to correct a incorrect reference to an existing figure included in the Executive Summary and in Section 4.5 (Biological Resources).

> Mitigation Measure 5-9. Prior to the commencement of any ground-disturbance activities within areas containing suitable or potentially suitable habitat, in accordance with applicable protocol requirements, if any, the Applicant shall conduct one additional survey for each of the following wildlife species: slender horned spineflower, least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher. Should individuals of any of these species be found to occupy the proposed area of disturbance, prior to the commencement of those activities, the Applicant shall obtain any requisite incidental take authorization in accordance with the requirements of the federal Endangered Species Act.

Comment I-9-6

Riversidean Alluvial Fan Sage Scrub (RAFSS). RAFSS is included in the Department's "Sensitivity of Top Priority Rare Natural Communities in Southern California" as a S1.1 "very threatened" community. A 1997

document entitled "Classification of Alluvial Scrub in Los Angeles, Riverside and San Bernardino Counties" characterizes RAFSS as a "distinctive and rare plant community" that is now restricted to scattered fragments due to urbanization and alteration of the natural hydrology of Southern California river and stream systems. A 1998 conservation plan entitled "Conservation Plan for the Etiwanda-Day Canyon Drainage System Supporting the Rare Natural Community of Alluvial Fan Sage Scrub" notes the vegetation along Cajon and Lytle washes is structurally diverse and species rich and supports emergent tree species that further enhance wildlife habitat values. Much of the alluvial scrub along Lytle and Cajon washes is in state-designated Significant Natural Area (SBD-013). The document recommends that areas within one hundred meters of flood channels and intermittent streams be given high priority for preservation and that areas with emergent shrubs and others also be given high priority for preservation. In 2000 the County of San Bernardino prepared a map entitled "San Bernardino County Valley Region Storm Drain Facilities and Endangered Species Data." This map clearly shows that the foothill alluvial fans, Lytle and Cajon Creeks and the Santa Ana Wash are the largest remaining blocks of habitat in the Valley region containing endangered species. The Museum prepared a map of the valley showing critical areas. Again, the critical areas were the Santa Ana Wash, Lytle and Cajon Creeks and the foothill alluvial fan areas. This documents listed above support the importance of the Lytle Creek alluvial fan system as a recognized regional biological resource system containing endangered species and numerous species of special concern. The Department views the Lytle Creek alluvial fan as an extremely important ecological area and one whose ecological value will be drastically reduced if this development does not adequately identify and mitigate impacts. The combination of RAFSS, RSS, and components of coastal sage scrub makes this area extremely important for many listed species and numerous species of special concern. It is a species rich area and one of a few such areas remaining in San Bernardino County. The only comparable areas for alluvial fan scrub are the Cajon Wash and the Santa Ana Wash.

Response I-9-6

The status, sensitivity, and habitat value of the RAFSS found within the study area are acknowledged throughout the DEIR (beginning on p. 4.5-65) and BRA (BRA, beginning on p. 55). Moreover, the BRA referenced both the 1997 and 1998 documents cited by the Department and used them in the analysis (e.g., BRA, p. 134). Further, the analysis of impacts to RAFSS contained in the DEIR is not in conflict with these documents or other documents mentioned in the comment.

That the DEIR and BRA accurately and appropriately presented the RAFSS in the study area and the project site as an important ecological area is evidenced by discussions in the DEIR (p. 4.5-106) and BRA (BRA, pp. 134, 148 and 150), respectively. The DEIR acknowledges that RAFSS is considered by the Department to be a sensitive plant community (p. 4.5-18) and the DEIR treats RAFSS as a sensitive plant community (e.g., pp. 4.5-65, 4.5-105 through 4.5-110, 4.5-155 through

4.5-163). The DEIR also recognizes RAFSS' value in providing habitat to other sensitive and listed species (e.g., pp. 4.5-106 and 4.5-109).

The project proposes to preserve as permanent habitat conservation open space approximately 395 acres of RAFSS within Lytle Creek, which will be immediately contiguous to another approximately 216 acres of RAFSS that the Applicant has previously set aside as permanent conservation open space and which is also immediately contiguous with another 2,135 acres of habitat which is mostly RAFSS currently preserved or expected to be preserved in Lytle and Cajon Creeks as part of the following conservation areas: San Bernardino County Sherriff's woollystar preserve, San Bernardino Flood Control District Conservation Area, Vulcan Cajon Creek Conservation Area, and the Cemex USA habitat mitigation areas.

The State-designated Significant Natural Areas program is administered by the Department o pursuant to Section 1930-1933 of the California Fish and Game Code (CFGC). The commentor does not state whether any portion of the project site is located within SBD-013. Nevertheless, even if all or some of the project site were to fall within SBD-013, State law makes clear that the inclusion of land within a Significant Natural Area does not, of itself, change or prevent the change of the use of any area included in such designated area (Section 1933, CFGC). There is no legal or regulatory effect to this designation.

The project proposes to set aside approximately 612.5 acres as permanent conservation open space for sensitive plants, animals and vegetation communities (p. 2-15). The project's proposed conservation open space will support a hydrologically connected community of RAFSS, a substantial population of Parry's spineflower, a substantial population of Plummer's mariposa lily, as well as sensitive species such as the Los Angeles pocket mouse and SBKR. The proposed open space is both of sufficient size and adjacency to other permanently conserved habitat areas so as to be able to sustain these populations in perpetuity. The proposed open space is connected to several other significant conservation areas, making the total connected preserved conservation acreage (existing and proposed) in this area of Lytle and Cajon Creeks total in excess of 2,700 acres.

Comment I-9-7

The proposed impact analysis is deficient and therefore the proposed mitigation measures are also deficient. The Department recommends the DEIR include a revised and complete analysis of the direct, indirect, and cumulative impacts to the project area relative to the quality of the habitat and opportunities for "in kind" mitigation. The Department recommends identifying the proposed mitigation sites and their respective habitats, and including a graphic of the sites in the DEIR. The Department recommends incorporating the mitigation recommendation of a one hundred meter buffer area for flood channels and intermittent streams noted in the document above. The Department recommends including a discussion to

identify and mitigate the impacts of the foreseeable future channelizing of the system to protect the proposed levees and infrastructure.

Response I-9-7

The comment claims that the impact analysis and, therefore, the mitigation measures are deficient because the quality of the habitat to be impacted and opportunities for "in kind" mitigation were not considered. However, this characterization of the analysis and mitigation measures is not correct. In particular, the BRA (BRA, pp. 32 through 37) describes in detail the floristic composition and structure, acreages, and hydrologic regimes of all RAFSS present on the project site and the off-site impact areas. The BRA (BRA, pp. 49 through 52) describes the project site and surrounding area's contribution to regional wildlife movement, concluding that "Lytle Creek Wash functions as a regional wildlife corridor between the San Bernardino Mountains to the north and the confluence of Lytle Creek and Cajon Creek to the southeast" and the discussions of the suite of endangered, threatened and otherwise sensitive plant and animal species throughout the document attest to the importance the analysis placed on the biological resources found within the project site. The DEIR (pp. 4.5-11 through 4.5-15 and 4.5-29 through 4.5-32) similarly incorporates such discussions and throughout the discussions of sensitive species, plant communities, and habitats.

The RAFSS analysis and mitigation measures were conducted and formulated, respectively, with "in kind" mitigation in mind. Under either mitigation alternative (Appropriately Scaled Mitigation Ratios or Habitat Equivalency Analysis), a substantial amount of RAFSS permanently conserved as mitigation will occur on the project site within Neighborhoods I, III, and IV. In addition, the general location of an additional 40 acres of RAFSS to be created off the site, downstream of the Cemex USA quarry area (to benefit the SBKR) has been identified in Figure 4.5-29 in the DEIR. Moreover, other off-site mitigation for RAFSS impacted by the project will consist of RAFSS or AFSS habitat under either mitigation approach alternative (see Mitigation Measure 5-1). It is not clear if the commentor is suggesting that mitigation through the preservation or restoration/creation of alluvial fan sage scrub (AFSS) would somehow not fall within the concept of "in kind" mitigation for habitat referred to in the DEIR as RAFSS. As explained in the DEIR (pp. 4.5-29-32 and 4.5-105 through 4.5-107) and BRA (BRA, pp. 32-37, 134, and 154-159), the use of the terminology RAFSS, as a subcategory of AFSS, should not be understood as suggesting that RAFSS and AFSS are so different in their floristic composition as alluvial fan sage scrub communities that conservation and preservation of either as compensation for impacts to the other should not be considered as resulting in "in kind" mitigation. Various investigators have proposed differing ways of possibly drawing subclassifications of alluvial fan sage scrub but the similarities among these subclassifications are sufficiently robust so as to properly allow them to be viewed as "in kind" mitigation for one another (see BRA, pp. 32-35 and 154-159).

Regarding the request for a graphic depicting the proposed mitigation sites, the reader is referred to the discussion, tables, and graphics provided in the DEIR (pp. 4.5-164 through 4.5-167) and BRA (BRA, pp. 149 through 175). As explained in Mitigation Measures 5-1 and 5-7, mitigation for RAFSS impacts will include approximately 395 acres of RAFSS on the project site, within Neighborhoods II, III, and IV (with an additional 40 acres of RAFSS to be created just off the site within the area shown in Figure 4.5-29 to promote SBKR conservation). The locations of the remaining AFSS mitigation lands will occur within one or more of the AFSS communities shown in DEIR (Figure 4.5-33) and BRA (BRA, Figure 28).

The comment states that the Department "recommends incorporating the mitigation recommendations of a one hundred meter buffer area for flood channels and intermittent streams noted in the document above." The comment appears to refer to the 1998 "Conservation Plan for the Etiwanda-Day Canyon Drainage System" (Safford and Quinn, 1998). Several aspects should be noted regarding that document. First, the document was prepared by two individuals at California State Polytechnic University, Pomona, one a member of the Department of Landscape Architecture and the other with the Department of Biological Sciences. It does not have the force of a State or local adopted policy or regulation. Second, the guidelines suggested by the document were meant to apply to Etiwanda-Day Canyon specifically, although the authors noted that their recommendations could also be used as the basis for developing guidelines for conservation within other AFSS stands in the region. Third, the document does not recommend that lead agencies impose a 100-meter buffer area as a mitigation measure for impacts to AFSS, flood channels, or intermittent streams. Rather, this document suggests that in establishing guidelines for the acquisition of conservation lands or for conservation protection programs "areas within one hundred meters of flood channels and intermittent streams [should] be given high priority." Fourth, this general suggested recommendation was motivated primarily as a guideline to promote avian species richness and abundance.

As a generalized guideline to guide the prioritization of acquisition areas for conservation lands in AFSS habitat in the region, it does not provide the attributes of a well-suited mitigation measure for this project. First, it has not been shown that a 100-meter buffer of upland habitat (moving beyond the location of the proposed revetments) is necessary to reduce the project's impacts to RAFSS (or to avian species) below a level of significance. In fact, the DEIR concluded that the proposed project, together with the existing proposed mitigation measures, will result in impacts to RAFSS and to avian species being below a level of significance. Second, this general acquisition guideline does not take into consideration the existing width of the flood channel or intermittent stream in the first instance. Thus, for example, the width of Lytle Creek within the project site is generally quite wide (within the range of 1,200 to 2,500 feet). As such, the RAFSS habitat within the preserved open space adjacent to or within the project site is generally substantially more than

100 meters on either side of a centerline of Lytle Creek. The significant width of Lytle Creek within the reach of the project site is not taken into consideration by this more generalized acquisition recommendation. In fact, the adjacency, proximity and connectivity of wash areas proposed for preservation to existing habitat reserves and conservation/mitigation lands is considered to be of greater importance to the preservation of biological diversity.

In addition, the commentor suggests that "channelizing of the [Lytle Creek Wash] system" is a "foreseeable future" event that should be analyzed in the DEIR and mitigated for by the project if the impacts are found to be significant. The commentor speculates that such "channelization" of Lytle Creek will be a necessary future event "to protect the proposed levees and infrastructure."

Of note, the project is not proposing levee structures to restrict the active wash. Rather, revetments are being proposed to protect developed areas from episodic flood events that could over bank the banks of the active wash on rare occasions in the future.

See Response No. I-9-4 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum). The proposed project does not propose to channelize Lytle Creek. As used here, the term channelization appears to mean placing a hard, fixed bottom surface within Lytle Creek, using material such as concrete, across the width of Lytle Creek or establishing a hardened or otherwise fixed channel of a certain depth and width within Lytle Creek to transport all or a majority of the water flows through this reach of the creek. No such channelization or "center-lining" of the creek is proposed by the project nor is such alteration of the creek a foreseeable future event. In fact, existing facts demonstrate that such an alteration of Lytle Creek is neither foreseeable nor likely.

The toe-down of the revetments to be constructed in Neighborhoods II, III and IV has been designed to go below the worst-case scour depths so that the revetment is designed to maintain its integrity over the long term without additional maintenance to address any future scouring. The thickness and material composition of the revetment have also been selected using worst-case design scenarios (such as all of the Lytle Creek flow shifting to the north side and, alternatively, all the flow shifting to the south side of the creek), such that it is not expected that ongoing maintenance for structural integrity of the revetments will be necessary.

The revetments established along the border of the Rosena Ranch residential project and the Cemex USA mining facility on the north bank of Lytle Creek (opposite the site of the proposed project) were not designed to require any such future "channelization" of Lytle Creek to protect the long-term stability of these structures (see Appendix IV-C [PACE May 5, 2010 Technical Memorandum]). Similarly, the revetments proposed by this project along the south bank of Lytle Creek are designed so as to require

no such future channelizing to protect their stability and maintain their integrity over the long term.

Moreover, existing and proposed future conditions within Lytle Creek make it highly unlikely that such channelization of Lytle Creek could or would ever occur. First, the nature of the sediments transported through this reach of Lytle Creek are such that any attempt to place a hardened bottom in this segment of the creek would be impractical from a cost standpoint, as such a hardened surface would frequently be significantly damaged by the transported sediments, requiring the San Bernardino County Flood Control District (SBCFCD) to continuously spend substantial monies maintaining the surface bottom. See Appendix IV-C (PACE May 5, 2010 Technical Memorandum).

Second, Lytle Creek is occupied by the federally-listed SBKR and portions of Lytle Creek, including areas adjacent to Neighborhoods II and III, are designated as critical habitat for the SBKR. Placing a hard, fixed bottom on Lytle Creek between the north and south bank revetments would result in take of the SBKR proscribed by the federal Endangered Species Act (FESA). It is highly unlikely that the United States Fish and Wildlife Service (USFWS) would authorize the significant incidental take of the SBKR that would result from such channelization. Similarly, such channelization would almost certainly require a Section 404 permit from the United States Army Corps of Engineers (USACE). Federal agencies like the USACE are prohibited from taking actions (such as issuing permits) that would adversely modify critical habitat for the SBKR. Again, such channelization would result in a substantial elimination of critical habitat for the SBKR in the Lytle/Cajon Creek system (so much so that it would appear extremely difficult, if not impossible, to secure a permit for such activity under the FESA).

Third, Lytle Creek serves as a water recharge area for various water districts which have water recharge and spreading rights within this area of Lytle Creek. Such channelization would significantly interfere with those rights and those water storage and recharge functions. The water agencies would be expected to vigorously protest such a substantial interference with their water rights.

Fourth, 216.7 acres of Lytle Creek between the north and south banks have already been set aside for the long-term conservation of the endangered SBKR. Hardening of the bottom of Lytle Creek, as speculated by the commentor, would be incompatible with the purpose of this conservation area. Similarly, the project proposes to designate an additional approximately 443 acres of Lytle Creek within the project site as permanent conservation area for the SBKR (see DEIR Figures 4.5-25 and 4.5-27 and p. 2-105). Any future attempt to channelize this area of Lytle Creek would be inconsistent with the existing and proposed conservation areas for the SBKR within Lytle Creek.

Comment I-9-8

Project Impacts. The DEIR fails to identify or mitigate the following impacts: the loss of foraging habitat for raptors, the loss of connectivity between upland habitat and the stream channel, the loss of upland habitat and the species dependent upon it, the potential loss of islands in the channel due to erosion from narrowing and confinement of the channel, the potential loss of existing mitigation lands in the channel, the overall loss of ecological diversity, and potential adverse impacts due to operation of the stream system as a confined flood control channel. Within City Creek and Plunge Creek the flood control agency is considering the need to center-line the flow path because of potential erosion to existing levees. There is no discussion in the DEIR of how the channel would potentially be maintained and managed following construction of the levee and giving the channel over to San Bernardino County Flood Control. These are foreseeable potential adverse impacts that are a direct impact from channelization of the stream system and should be addressed in the DEIR.

Response I-9-8

The first sentence of this comment lists a number of impacts and expresses the opinion that the DEIR fails to identify or mitigate these impacts. Each of these impacts is addressed separately below.

Loss of raptor foraging habitat. The DEIR examined the project's direct, indirect, and cumulative impacts on those sensitive raptor species that were observed or have the potential to forage on the project site (see Table 4.5-4). Impacts to sensitive raptor species were analyzed in the DEIR (pp. 4.5-120 through 4.5-134). In conducting the impact analysis, an evaluation of the amount of habitat (including foraging habitat) on the project site and an evaluation of the amount of that habitat to be impacted by the project was conducted. These amounts were compared against amounts of this habitat within the regional study area to give the proper biological context to an evaluation of the project's direct and indirect impact to raptor species and raptor foraging habitat. As explained in detail in the DEIR (pp. 4.5-120 through 4.5-134), impacts to sensitive raptors and to raptor foraging habitat were found to be less than significant. The DEIR (p. 4.5-155) also contains a cumulative analysis of the loss of raptor foraging habitat. The DEIR concluded: "The proposed project will add incrementally to the cumulative impacts to raptor foraging habitat within the BCISA [biological cumulative impact study area] but the impacts from the proposed project, while adverse, would not be cumulatively significant in light of the amount of habitat that remains available for this species in the BCISA and no mitigation is required or recommended."

Loss of upland habitat and the species dependent upon it. The DEIR (pp. 4.5-92 through 4.5-141, 4.5-117 through 118, 4.5-132, 4.5-136, 4.5-143 through 4.5-148, and 4.5-148 through 4.5-164) examined the project's direct, indirect, and cumulative impacts on upland habitats and plant communities. Where impacts were deemed significant, mitigation was imposed to reduce the impact below a level of significance.

The DEIR examined the project's direct, indirect, and cumulative impacts on species that utilized the upland habitats on the project site. Those sensitive upland species that were observed or have the potential to utilize the project site were identified in the DEIR (Table 4.5-4). Impacts to common plant and wildlife species were analyzed and discussed in the DEIR (pp. 4.5-109 through 4.5-111). Impacts to sensitive plant species were analyzed in the DEIR (pp. 4.5-118 through 4.5-120). Those impacts were found to be less than significant. Impacts to sensitive upland species were analyzed in the DEIR (pp. 4.5-120 through 4.5-134). In conducting the impact analysis, an evaluation of the amount of suitable habitat for each sensitive species on the project site and an evaluation of the amount of that habitat to be impacted by the project was conducted. These amounts were compared against amounts of this habitat within the regional study area to give the proper biological context to an evaluation of the project's direct and indirect impact to those species. Mitigation measures were included for significant impacts. Indirect impacts were analyzed in the DEIR (pp. 4.5-143 through 4.5-148). Cumulative impacts to upland species were analyzed in the DEIR (pp. 4.5-148 through 4.5-164).

Loss of connectivity between upland and stream channel. Concerning the loss of connectivity between upland habitat and the stream channel, the reader is referred to both the DEIR (p. 4.5-170) and the BRA (pp. 153 and 178 through 180). In summary, the configuration of the alluvial fan sage scrub to be preserved on site will be such that mitigation land adjacent to areas of this habitat (and upland habitats) already under public ownership and/or set aside for conservation in perpetuity will provide such connectivity. Specific to the San Bernardino kangaroo rat, and of benefit to numerous other species as well, are considerations for providing additional upland refugia during episodic flood events with the requirements that upland refugia must be adjacent to active wash areas, the minimum size of any single upland island/patch is 5 acres, and upland refugia must have 80 to 90 percent of its interface between the active wash and upland that is topographically passable by the species (and, therefore, other species as well). The project proposes to create two areas of additional refugia, one upstream of the Cemex USA pits and one downstream of those pits (see Mitigation Measure 5-7). The DEIR (Figure 4.5-29, p. 4.5-140) and the BRA (BRA, Figure 9, p. 51) demonstrate the connectivity to be preserved between the wash and upland habitats. It should be noted that the connection to upstream and downstream upland habitats will be maintained along the wash through the study area. In general, the loss of upland habitat will be mitigated to a less-than-significant impact by the retention of connectivity up and down the wash and between upland habitats on the San Bernardino National Forest and within existing conservation lands in and around the confluence of Lytle and Cajon Creeks, mitigating for upland habitats now largely represented in the study area by mature alluvial fan sage scrub at either a 2:1 ratio or through the Habitat Equivalency Analysis approach, and mitigating for impacts to San Bernardino kangaroo rat which will benefit numerous other species of plants and animals. As measured by

the Shannon Weaver index and like indexes of diversity, these measures will maintain biological diversity in terms of the balance between the number of species and their relative populations within the study area today.

Potential loss of mitigation lands and loss of islands in Lytle Creek. Regarding this issue, the commentor is referred to Response No. I-9-4 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum). Also see Response No. I-9-14 for a discussion of the analysis of this issue in PACE's "Hydraulic and Geomorphic Assessment, Lytle Creek SBKR Upland Habitat Conservation Area Erosion/Protection Plan" (PACE, April 2007) and the CHANG Consultants (CHANG) March 25, 2007 report, on file with the City, which both concluded that the mitigation lands and mitigation islands in the wash can be expected to be relatively stable over time. Although some erosion of upland or island features within the wash may occur over time, significant upland features and islands have persisted in this reach of Lytle Creek for a substantial amount of time and the general trend suggests that they will continue to do so. Habitat reclamation and restoration work performed in 2008 on the large island in Lytle Creek is expected to provide further protection against future erosion, though again, the wash is a dynamic system and some erosion of areas over time can be expected. Channels, bars, braids, and island features may shift over time and from time to time within a "bandwidth" that is almost ten times the width of the estimated self-forming channel width in the wash in some places, but islands are always expected to be present in some form and configuration. The outer bank limits of this reach of Lytle Creek have not substantially changed since at least 1935, and previous investigations indicate only minor movement of the creek banks within the last 150 years (see p. 4.4-78). Furthermore, existing structures such as the USACE groins and revetments suggest that significant change in this reach of Lytle Creek (with or without the project) is unlikely. The hydrology and geomorphologic analysis indicates that the project would not significantly increase the potential for the loss of mitigation lands or islands in the wash.

For a discussion of a the potential future need to maintain the project's revetments due to the commentor's speculation concerning future erosion of the revetments and future activities within Lytle Creek to "maintain" the "channel" see Response No. I-9-7.

Comment I-9-9

Mitigation. The Department generally advocates a mitigation ratio of 3:1 for RAFSS. The loss of 1.7 acres of riparian habitat should be mitigated by restoration or creation in the Sycamore Flat East riparian corridor at a 3:1 ratio. The loss of 2.9 acres of least Bell's vireo habitat should be mitigated by restoration or creation in the Sycamore Flat East riparian corridor at a 3:1 ratio. The Department recommends a 3:1 ratio for impacts and the FEIR should specify whether the Sycamore Flat East riparian corridor is available for mitigation or whether it is already set aside as a mitigation site. If the Sycamore Flat East riparian corridor is not available or only partially available for mitigation purposes, the DEIR

should identify the proposed adjacent lands necessary to adequately mitigate the riparian impacts as close to the project as possible.

Response I-9-9

The comment regarding the advocacy of a mitigation ratio of 3:1 for RAFSS is noted and will be forwarded to the Lead Agency's decisionmakers for their consideration. The comment does not provide supporting data and analysis to substantiate its advocacy of a 3:1 mitigation ratio for RAFSS, for riparian habitat, or for least Bell's vireo habitat nor does the Department provide data and analysis demonstrating that a 3:1 mitigation ratio for impacts to these habitats on this project site is necessary to reduce project impacts to less-than-significant levels. A "one-size fits all" approach to mitigation requirements for impacts to vegetation communities through use of stock mitigation ratios is not as appropriate as considering the size, biological values, and habitat quality of each specific vegetation community impacted on a case-by-case basis, as the Lead Agency did here. Relative to each of the specific recommendations, the following responses are offered.

Mitigation for RAFSS. The DEIR explained that the 2:1 mitigation ratio proposed reflected recent approaches in the mitigation of impacts to AFSS in the region and that the elevated mitigation ratio was selected, in part, due to the recognized scarcity of this community. The DEIR presented a review of other CEQA environmental impact assessments evaluating impacts to RAFSS communities in the region (pp. 4.5-106 through 4.5-109) and found that a 2:1 mitigation ratio for RAFSS impacts to be generally consistent with mitigation ratio's adopted by other lead agencies. The DEIR also notes that the USFWS acknowledges that its general recommended mitigation ratio for RAFSS vegetation (which provides the predominant habitat for the federally-listed SBKR) is 2:1. The DEIR mitigation evaluation also acknowledged that the project proposes to assure that a substantial portion of its mitigation acreage for RAFSS will occur at locations within Lytle Creek and the Lytle/Cajon Creek confluence that are immediately adjacent to additional RAFSS habitat that is designated for long-term conservation and exposed to the necessary active hydrology required to maintain this habitat community over the long term. The 2:1 mitigation ratio was found adequate to conserve the contribution RAFSS makes to the biological diversity found in the regional study area and to reduce the project's impacts to this community below a level of significance.

It should also be noted that the DEIR recognizes that an equally effective method for reducing the project's impacts to RAFSS below a level of significance is the Habitat Equivalency Analysis (HEA) method. The HEA method is described extensively in the BRA. Mitigation Measure 5-1 allows for either approach to mitigate the project's impacts to RAFSS below a level of significance.

Mitigation for loss of 1.7 acres of riparian habitat. The DEIR noted that the loss of 1.7 acres of southern cottonwood willow riparian community would be deemed significant and that this plant community is considered

sensitive by the Department. The DEIR also noted that this plant community is patchy in distribution on the site and is not connected to larger southern willow scrub habitat areas extending beyond the project boundaries (p. 4.5-110). Due to its narrow width and poorly developed structure, this habitat posses substantially diminished functions and values as compared to larger mature blocks of this habitat. Moreover, the diminished functions and values are further compounded by the isolation of this habitat from other riparian communities. By requiring preservation, enhancement, and restoration at a minimum of a 2:1 ratio (see Mitigation Measure 5-2) and by locating the enhancement and restoration of that habitat in an area that will be contiguous with additional stands of similar habitat, the Lead Agency will ensure that there will be no net loss of riparian habitat functions and values and the impacts to this community will be reduced to below a level of significance. Mitigation Measure 5-2 does provide that the preservation, enhancement, and restoration will occur within the Sycamore Flat East riparian corridor. There is sufficient acreage available here to be enhanced and restored and to serve as the mitigation site. The DEIR (Figure 4.5-31) shows the area for the proposed mitigation.

Mitigation for loss of 2.9 acres of least Bell's vireo habitat. It should be noted that the LBV habitat to be impacted by the project includes the 1.7 acres of southern cottonwood willow riparian habitat discussed and analyzed separately in the DEIR, in addition to 1.2 acres of mule fat scrub that also provide LBV habitat. Both of these habitat areas to be impacted are located in Neighborhood II, no breeding of the species has been detected in that area, and that area constitutes a small and isolated patch of habitat for the LBV.

The DEIR analyzes the project's potential impact on the least Bell's vireo (a federally-listed endangered species) generally, rather than just looking at impacts to its habitat, although habitat impacts are considered as part of the overall impact analysis concerning the species. Mitigation measures to reduce both direct and indirect impacts to the LBV below a level of significance in the DEIR included measures in addition to just the restoration, enhancement, and preservation of suitable habitat for the species, although that is a component of the mitigation. Mitigation Measure 5-4's requirement to restore and/or enhance at a minimum of a 2:1 ratio, together with the preservation of that enhanced acreage and to do so in the Sycamore Flat East riparian corridor and adjacent floodplain will ensure that the restoration of LBV habitat will occur in an area biologically connected to additional suitable habitat for the species, which will further enhance the biological value of the 5.8 acres to be restored through the mitigation measure. This restoration/enhancement will occur in an area where LBV have recently been observed to be breeding and will provide a significant improvement in the ability of the riparian habitat of the Sycamore Flat East area to support breeding pairs of LBV in the future. As noted in the DEIR's "Project Description" (p. 2-107) within Neighborhood I, an existing riparian area (Sycamore Flat East) will be preserved and enhanced. This will improve the quality of the habitat for

the LBV (as well as other riparian species). Currently, this corridor exists in a degraded condition and consists of a mosaic of stands of under-developed willows, mule fat, and exotic weeds. As such, the carrying capacity of the habitat to be impacted is believed to be substantially suppressed for LBV. The proposed habitat maintenance and monitoring activities include the restoration of existing riparian vegetation including invasive species removal, the creation of riparian habitat, including the planting of appropriate riparian plant species, five years of monitoring and management in perpetuity, the implementation of adaptive management activities to meet specified success criteria, and implementation of a five-year brown-headed cowbird trapping program. Habitat maintenance and monitoring details will be provided in a habitat monitoring and mitigation plan.

The use of the minimum 2:1 ratio and the requirement to implement mitigation in the Sycamore Flat East area will result in no net loss of LBV habitat as a result of the project. There is sufficient acreage available here to be enhanced and restored and to serve as the mitigation site (p. 2-107). The DEIR (Figure 4.5-31) indicates the area for the restoration/ enhancement activity.

Comment I-9-10

Impacts to SBKR and its habitat require consultation with the United States Fish and Wildlife Service and compliance with a Habitat Conservation Plan. The DEIR states that impacts to SBKR and their habitat will be mitigated by the preservation of 316.2 acres of occupied on-site habitat and the creation of 75 acres of habitat directly upstream and downstream of the Cemex USA quarry. The details of the final mitigation plan will probably not be available until consultation with the United States Fish and Wildlife Service is completed. As a Trustee agency, the Department requests that once the plan is approved it be made available for comment.

Response I-9-10

The DEIR acknowledges that impacts to the SBKR, a federally listed species, will require consultation with the USFWS (see, for example, pp. 4.5-1-5 and 4.5-171). As explained in the DEIR (p. 4.5-2-5), authorization for incidental take of the SBKR may be obtained either through Section 7 or Section 10(a) of the FESA. Section 10(a) would require the Applicant to prepare a habitat conservation plan (HCP) for the SBKR that satisfied the criteria of the FESA. The USFWS, in accordance with FESA and its regulations and policies, determines the process for public review (including CDFG review) of a draft HCP prior to the issuance of an incidental take permit under FESA Section 10(a). Authorization under FESA Section 7 generally does not require the Applicant to prepare an HCP. Rather, through consultation between the USFWS and the consulting federal agency, in this case likely the USACE, the USFWS will not issue an incidental take statement unless it concludes that the proposed action is not likely to jeopardize the continued existence of the SBKR or adversely modify its designated critical habitat.

The Lead Agency has established a set of mitigation measures (Mitigation Measure 5-7) to reduce the proposed project's impacts to the SBKR to a level below significance. The Lead Agency does not control the process whereby the USFWS will determine whether to provide incidental take authorization for the SBKR.

Comment I-9-11

As stated previously, because of the potential cumulative impacts of this project and the proposal for a 7 mile levee system, the DEIR did not adequately identify or analyze the proposed impacts. Therefore the Department recommends the FEIR include a revised analysis of the total impacts and a revised mitigation proposal to adequately mitigate all project impacts. The Department recommends coordinating with the United States Fish and Wildlife Service, United States Army Corps of Engineers, Regional Water Control Board [sic], and the Department to ensure their review and approval of the revised impact and mitigation analysis prior to completing the CEQA process to approve the Specific Plan, and processing individual projects.

Response I-9-11

The Lead Agency thoroughly examined and analyzed the potential cumulative impacts of the proposed project on biological resources (pp. 4.5-148 through 4.5-164). As explained in Response No. I-9-4 and in Appendix IV-C (PACE May 5, 2010 Technical Memorandum), cumulative impacts to the hydrology within Lytle Creek, areas downstream of the project site in Lytle Creek, areas within Cajon Creek, and the confluence with Lytle Creek were also examined, analyzed, and found not to be significant. Accordingly, no revised analysis of cumulative impacts of the project on these aspects of the environment is necessary.

The Lead Agency, through the State Clearinghouse, provided a copy of the DEIR (and NOP) to the USFWS, USACE, and the Regional Water Quality Control Board, Santa Ana Region (SARWQCB) to solicit their comments on the proposed project.

Comment I-9-12

Hydrology/Levee System. Page 4.4-35 of the DEIR states that Lytle Creek is a San Bernardino County Flood Control District facility that has "highly debris laden flows" and that "experienced severe erosion and overflowed its banks" in 1969. One study cited in the DEIR compared flow paths from historical major floods. The conclusion was that the Lytle Creek flow path has been relatively unchanged since 1935, has been incised since 1862 and that only minor movement of the stream banks has occurred within the last 150 years. "A comparison of streambed slopes generally indicates that the active incised channel appears to have reached a long term equilibrium or a relatively stabilized condition" (page 4.4-78). The DEIR hydrology report states that the incised fanhead channel system has "defined boundaries" from the apex of the fan to the Cemex Mining levee system and that these defined boundaries confine the flows from uncontrolled migration across the fan. The analysis appears to be refuted by hydrologic events causing damage as recently as 2004 and 2005. The Department requests a revised hydrological

study assessing the impacts associated with the proposed post project state including impacts from future maintenance of the levees.

Response I-9-12

With regard to the commentor's suggestion that portions of the hydrologic analysis or information used in the DEIR "appears to be refuted by hydrologic events causing damage as recently as 2004 and 2005," and that, therefore, a revised analysis should be conducted, it should be noted that the USACE and USFWS asked the Applicant to investigate this same issue (i.e., whether the hydrological events of 2004/2005 indicated that prior hydrologic analysis or information regarding Lytle Creek was incorrect) prior to providing their concurrence with the Applicant's proposal to reclaim and repair portions of a large island within the SBKR Conservation Area impacted by the 2004/2005 storm events (see, for example, PACE letter to Antal J. Szijj, USACE, dated April 13, 2007). PACE conducted a thorough inquiry into this issue (as well as related questions) and concluded in its April 2007 report that the hydrologic and geomorphic events of the 2004/2005 winter season did not undermine the validity of the prior hydrologic analysis and information regarding this reach of Lytle Creek (see "Hydraulic and Geomorphic Assessment, Lytle Creek SBKR Upland Habitat Conservation Area Erosion/Protection Plan" PACE, April 2007]). The USACE and USFWS reviewed PACE's analysis of this issue, including PACE's April 2007 report, and did not dispute PACE's findings and conclusions. Subsequently, they provided their approval of the reclamation program for the large upland habitat island.

See Response Nos. I-9-4 and I-9-14 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum) for a further discussion of this issue.

PACE's in-depth study of hydrological conditions produced by the Winter 2004/2005 storm events examined the segment of Lytle Creek from Glen Helen Parkway downstream to the narrower reach created by the Cemex USA levee and mining operations. The investigation and analysis is detailed in "Hydraulic and Geomorphic Assessment, Lytle Creek San Bernardino Kangaroo Rat (SBKR) Upland Habitat Conservation Area Erosion/Protection Plan" (PACE, April 2007). The report concluded that the severe storm events of 2004/2005 did not undermine the previous hydrology and geomorphology assessment, analyses, and the conclusions drawn therefrom by PACE and others regarding the hydrologic and geomorphologic characteristics of Lytle Creek and the general stability and defined boundaries of the floodplain within the reach of Lytle Creek associated with the proposed project's boundaries.

Additionally, CHANG conducted an independent technical review of PACE's report and concurred with PACE's analysis and conclusions. A copy of CHANG's March 25, 2007 technical review is included in the PACE April 2007 report.

The analyses conducted by PACE of the anticipated effects of the proposed project's revetment (including off-site improvements to the existing Cemex USA levee on the Cemex USA property) on the hydrology

and geomorphology of Lytle Creek adjacent to the project site and downstream of the project site, as well as within that portion of Cajon Creek and the confluence of Lytle and Cajon Creeks where Vulcan has its habitat conservation properties, factored in the information from the 2004/2005 storm and hydrology events and concluded that the proposed revetments would not significantly change the hydrology or geomorphology of these areas.

As for the issue of future maintenance of the revetment, see Response Nos. I-9-7 and I-9-4 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum). Maintenance of the revetments is anticipated to be transferred to the SBCFCD either: (1) after construction and completion of the revetment and flood control improvements; inspection of the structures for compliance with the plans/specifications; and deeding of the right-of-way for the revetment to SBCFCD; or (2) after field testing of the performance of the revetments and improvements is conducted by SBCFCD in response to several high flow events.

Comment I-9-13

In 2001 the Department commented on the DEIR for the Lytle Creek North Planned Community (SCH 99051013). This project is on the east bank of Lytle Creek and is adjacent to and surrounded by the proposed Lytle Creek Ranch Project footprint. The 2001 DEIR speculated that future development will create the demand for complete channelization of Lytle Creek and that the width of the creek would be reduced from 1,700 feet to a 675 foot channel. The United States Army Corps of Engineers reviewed the Lytle Creek North Planned Development and concluded that the potential direct impacts of this project would include: changes in general erosion patterns [sic] within the active floodplain, (2) influences to the natural trends for braided or meander patterns, (3) developing or influencing erosion features in other locations of the floodplain where these were not actively occurring in the existing conditions, and (5) adjustments to the streambed stability or modifying the existing equilibrium conditions. After the construction of the Lytle Creek North Planned Community, the Department prepared Streambed Alteration Agreement 1600-2006-0256-R6 for repairs to the Cemex levee in Lytle Creek, and agreement 1600-2008-0080-R6 for repairs to the San Bernardino Kangaroo Rat Habitat Mitigation Islands in Lytle Creek. Both agreements are on the proposed project site and were required due to severe erosion and flooding within Lytle Creek. The Department requests a revised hydrological study assessing the impacts of the Lytle Creek North Planned Development and the recent armoring of the SBKR mitigation islands on the fluvial process of Lytle Creek and above the upstream northernmost proposed levee to the Cajon Creek confluence to the I-210 and rail road crossing downstream.

Response I-9-13

When published in April 2001, the LCNPD FEIR (as prepared by the County and not the City) stated: "If development should occur on property south of Lytle Creek, another flood control revetment system, similar to the one proposed for this project, would be required to remove that land from the floodplain. The resulting double revetment system would create

a full channelization of Lytle Creek and would provide an orderly method of conveying flood flows and sediment through this area. Based on the preliminary design study completed for this project, if required, a future south revetment would need to begin upstream of the I-15 Freeway to tie in with the existing ACOE groin and provide a gradual funneling system for surface waters. The channel width would be approximately 1,700 feet at the I-15 Freeway bridge and would gradually narrow to a constant 675-feet wide at about 4,000 feet downstream of the bridge. The constant width channel would merge with the existing levees located throughout the adjoining mining area. A 675-feet wide channel would mimic existing geometric conditions in the canyon upstream of the fan apex and would provide a uniform and efficient conduit for flood waters and sediment to be transported out of the canyon mouth" (LCNPD FEIR, p. 4.3-46). That assumption appeared to have been based on earlier development plans and does not reflect the current development proposal.

The subsequent federal permits and authorizations for the LCNPD did not reach similar conclusions. In other words, the USFWS Biological Opinion for the LCNPD did not reach similar conclusions nor did the USACE Section 404 permit and its accompanying Environmental Assessment (EA) reach such conclusions. In fact, such a conclusion would have been inconsistent with the findings and conclusions of the USFWS and the USACE, as reflected by their decisions and the decision documents underlying those authorizations.

Not only is a reduction in the width of Lytle Creek to approximately 675 feet not proposed by the LCRSP, such a narrowing of Lytle Creek would be inconsistent and precluded by the 216.7-acre SBKR Conservation Area already established in Lytle Creek, as well as the 443 acres of habitat conservation open space in Lytle Creek being proposed to be established by the Applicant.

The statement characterizing the conclusions of the USACE regarding the LCNPD's expected impacts on the hydrology of Lytle Creek in the comment is incorrect. Regardless of whether the USACE postulated the potential for certain direct impacts in the draft EA, by the time the USACE had completed its thorough review and analysis of these issues, it reached much different conclusions. The final EA issued by the USACE in connection with the LCNPD did not reach those conclusions (see "Final Environmental Assessment, 404(b)(1) Evaluation, Public Interest Review for Permit Application No. 200100124-AJS" [USACE, January 14, 2004], on file with the City). On the contrary, the final Environmental Assessment issued by the USACE reached very different conclusions. As the DEIR correctly states (p. 4.4-79), the USACE conducted separate detailed hydraulic modeling of the floodplain conditions that would result from the LCNPD's proposed revetment and found that the potential changes from the revetment to key hydraulic characteristics such as depth, velocity, average shear stress, and cross sectional flow area would be relatively minor. The USACE stated in its final EA: "Potential indirect impacts on vegetation resulting from construction of the proposed

embankment are not anticipated due to the relatively minor changes in hydrology and geomorphology of Lytle Creek that would result (*See* discussions on *currents, circulation or drainage patterns* and *erosion and accretion patterns*, above)" (USACE, Final EA, p. 60).

Similarly, the USACE found "the proposed revetment [is] designed so as to have inconsequential effects on the existing hydrologic processes now occurring in the Lytle Creek Wash. More specifically, there would be no significant changes to the levels of inundation, the magnitude of streambed scour and variation, the duration of flooding, and localized velocities (*See* discussions on *flood control functions*; *currents, circulation or drainage patterns*; and *erosion and accretion patterns*, above)" (USACE, Final EA, p. 74). The USACE also concluded: "The discussion in this EA concerning erosion and accretion patterns explains why the Project is not expected to have any significant detrimental effects on the hydrological or geomorphologic processes in Lytle Creek relevant to the biological needs of the SBKR in Lytle Creek" (USACE, Final EA, p. 75).

For example, on the issue of changes to general erosion patterns within the active floodplain, including developing or influencing erosion features in other locations of the floodplain where these were not actively occurring in the existing conditions, the USACE (USACE, Final EA, p. 38) found:

> The potential indirect impacts from changes in the natural river process and creek geomorphology could include (1) loss or adjustments to natural habitats of mammals utilizing the floodplain, (2) loss of in-stream vegetation, and (3) loss of upland terraces within the floodplain through new erosion patterns that may provide habitat and active vegetation. The potential for these indirect impacts would not occur at any level of significance. The upstream watershed effects would dominate the influence on the natural habitats from changes to the geomorphology and the localized effects of the revetment would be dissipated quickly, if there are any. The historical evidence has indicated from the other revetments that there is not a visible influence provided the design is compatible with the natural flow conditions, similar to the proposed design.

With regard to changes to the streambed stability or modifying the existing equilibrium conditions, the USACE (USACE, Final EA, pp. 22-23) found:

> [T]he influence of the [LCNPD] project on the long-term stability is not significant and it appears that the Lytle Creek streambed elevation would continue to be dominated by the upper watershed influences, not the Project itself. The streambed profile has appeared to develop a pseudo-stable condition based upon available

> information and the proposed Project would not influence these conditions, except for minor local effects. Assessment of actual field information associated with the historical stream profile provides the strongest indicator of the stream stability compared to any other analytical techniques, sediment transport analysis, or application of moveable bed models. Investigation of the thalweg streambed profile along the Project reach indicates that the slope is relatively constant from well upstream of the mouth of the alluvial fan or apex, to a point near the downstream end of the CEMEX Mining gravel pits and levees on the north bank. . .
>
> . . .Potential indirect impacts from the hardened revetment would be (1) increasing localized scour near the revetment, (2) increased scour to other streambed features or streambanks located opposite of the revetment that would be effected by the reflected hydraulic energy, (3) loss of vegetation within the streambed from hydraulic impacts created by the revetment, and (4) increased degradation of the streambed. The potential for any of these identified indirect impacts is less than significant because of the proposed alignment and design of the revetment would minimize the hydraulic influences to a level corresponding to the existing conditions. The potential for the revetment to cause hydraulic forces impinging upon the hardened surface to be reflected should not be any different than the current conditions, and if anything it should be significantly reduced because of the geometry of the revetment consists of a gradual slope rather than the existing vertical face that occurs in the natural condition. In addition, the existing streambank generally consists of a heavily armored vertical face that is capable of resisting significant hydraulic forces, as demonstrated by the limited lateral migration in the direction of the proposed development. The revetment alignment has also been designed to correspond to the direction and alignment of the existing bank system to minimize intrusion into the active waterway, thereby minimizing any indirect effects.

With regard to changes to the natural trends for braided or meander patterns, the USACE (USACE, Final EA, pp. 38-39) found, for example:

> Indirect impacts associated with changes to the stream stability would include (1) influences to existing structures, such as undermining foundations, (2) loss of existing vegetative habitats from streambed erosion, (3) increased size bed material armoring that may influence the ability of mammals to utilize the streambed as habitat, and (4) potential loss through erosion of depositional features

> within the floodplain such as raised terraces. The occurrence of these effects is expected to occur no more frequently than currently within the natural system, so the impact should be less than significant. The stability of the stream system has been shown to be dominated by the upper watershed sediment delivery and production; and if changes occur within the upper watershed then this would have the most significant influence on the stability. However, the majority of the upper watershed is within the National Forest so there appears to be little possibility of those effects occurring.

The reclamation and erosion protection measures conducted on the large island within the SBKR Conservation Area in 2008 were designed to minimize the introduction of any changes to the existing hydrology and geomorphology. As explained in PACE's "Hydraulic and Geomorphic Assessment, Lytle Creek SBKR Upland Habitat Conservation Area Erosion/Protection Plan" (PACE, April 2007, p. 78), a copy of which is on file with the City:

> The recommended bank protection system has been specifically selected to minimize impacts to the existing stream geomorphology while assisting to minimize future erosion damage to the island. . .
>
> . . .The groins are intended to re-establish the floodplain "effective" or active channels as they were prior to the exceptional storm and related events of 2005. The groins create "ineffective" flow area where the eroded portions of the island are located, or a zone of water that almost has no velocity so it can be neglected as part of the flow capacity. Because of the low velocity, these "ineffective flow" zones have the ability to allow deposition behind the groins. The effect on the overall floodplain will result in "localized" effects to the behavior of the channel system, but is intended to re-establish the original wash geometry and the associated hydraulics of the floodplain prior to the unusual storm events of 2005. The floodplain hydraulics and fluvial system will continue to have a dynamic nature, but the island will be effectively protected to minimize future erosion of a magnitude seen in 2005.

The USACE and USFWS reviewed the proposed reclamation and erosion protection measures for the island with this similar interest in mind (i.e., to avoid new hydrological forces or changes within Lytle Creek post-reclamation/repair) and both agencies were agreeable with the measures taken in connection with the island. In addition, the analysis and conclusions in PACE's April 2007 report were independently peer reviewed by CHANG. CHANG concurred with PACE's analysis and conclusions. For example, CHANG concluded: "The erosion protection

developed by PACE will have insignificant effects on the hydrology of flood flow" (CHANG, Lytle Creek North Development – Erosion Protection for Habitats, March 25, 2007, p. 7). A copy of the CHANG report is included in the PACE 2007 report. See also Response No. I-9-4 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum).

The comment notes that the CDFG issued a Streambed Alteration Agreement (No. 1600-2006-0256-R6) for repairs to a Cemex USA levee in Lytle Creek. It should be noted that the Cemex USA levee referenced by the commentor is an earthen levee that had been eroding over a period of years and that erosion had not been repaired prior to the storm events of 2004/2005 (see PACE May 5, 2010 technical memorandum). The significant and unaddressed erosion can be seen in historic aerial photos of that levee. The Cemex USA levee required repair predominantly because the observable erosion of the structure left it highly vulnerable, and the significant peak flows of 2004/2005 breached the levee where it was particularly eroded.

The comment notes that the CDFG issued a Streambed Alteration Agreement (SAA) for repairs to the large island in the SBKR Conservation Area in Lytle Creek on which habitat maintenance and management activities for the conservation of the SBKR are ongoing. In the application for the SAA approved by the CDFG, it states that "the proposed system for reclaiming the eroded areas [of the island] is intended to preserve the natural hydraulic functions within Lytle Creek wash and minimize influence to the creek geomorphology. The hydraulic conditions created by these series of small groin structures include a low velocity zone along the stream bank, upstream and downstream of the structure, including a deposition zone immediately downstream of the structure. The structures will be hydraulically permeable in nature" (SAA Application to CDFG, May 30, 2008, p. 3 [on file with the City]). The SBKR habitat restoration and enhancement work on that island associated with the issued SAA by the Department was seen as providing valuable, long-term conservation benefits to the SBKR in Lytle Creek.

See Appendix IV-C (PACE May 5, 2010 Technical Memorandum) for an explanation and discussion of fluvial processes upstream of the northernmost proposed revetment, as well as downstream of the project site and why the project is not expected to have a significant impact on those processes.

Comment I-9-14

The hydraulic floodplain modeling used by the consultants is based on a "fixed-bed" model approach, meaning that the channel geometry and streambed are rigid or do not vary. It has been demonstrated that Lytle Creek can produce significant flood and erosion events, and the hardening of the existing habitat islands and proposed restoration of the Cemex levee were required due to such an event. It appears that implementation of the levee system would result in a pinch point at the southern end of the southernmost island and further erosion of the island in conservation would potentially occur. The Department requests the

DEIR include a revised analysis of the cumulative impacts on fluvial processes, whether the construction of a levee or a confined channel would result in the loss of mitigation lands and other impacts to habitats, including the potential impacts to habitats within Cajon Creek above its confluence with Lytle Creek, and include the impacts associated with future maintenance of the system.

Response I-9-14

The commentor's question as to whether the proposed revetments will change the hydrology within Lytle Creek, Cajon Creek, the confluence of Lytle and Cajon Creeks, or downstream in Lytle Creek so as to produce a significant impact on conservation lands within the creeks (existing or proposed) was examined by PACE. The hydrological studies and analysis were conducted with the understanding of the importance of maintaining lands above the 100-year floodplain within and adjacent to the wash for habitat conservation purposes (see DEIR p. 4.4-85).

Analysis of hydrological changes resulting from project revetments. Information and analysis from PACE is incorporated into the EIR and discussed herein. That information and analysis supports the EIR's conclusions that no significant hydrologic or geomorphic changes will be produced on the habitat conservation areas in Lytle Creek, the conservation habitat set-aside areas in Cajon Creek established by Vulcan, or the habitat downstream of the confluence of Lytle and Cajon Creeks as a result of the installation of the proposed revetments or improvements to the existing Cemex USA levee (see Response Nos. I-9-4, I-9-7 and I-9-8, and Appendix IV-C (PACE May 5, 2010 Technical Memorandum).

In addition to the large (76 acres or more) "island" (i.e., area within the creek or wash above the 100-year floodplain) in Lytle Creek where SBKR habitat restoration and enhancement efforts are already underway and where an extension of such efforts is being proposed by the project to occur on the remaining portions of that island (sometimes referred to as the "SBKR Mitigation Island"), there exist a number of other smaller "islands" in Lytle Creek and the proposed habitat conservation areas that will provide upland refugia habitat for the SBKR. CHANG looked at the issue of the expected stability of these smaller islands (as well as the "SBKR Mitigation Island") in the context of the post-2004/2005 severe flow events and the proposal for reclaiming the eroded area of the SBKR Mitigation Island. CHANG concluded that these smaller islands could be expected to be relatively stable over time. "Because of the pattern of velocity distribution, it may be stated that the island [sic] are located in a channel reach with greater stability and less vulnerable to erosion changes" (CHANG, March 25, 2007, p. 4).

It should be noted that the "pinch point" referred to by the commentor would not be produced by the proposed project but rather that this condition is an existing condition resulting from the existing Cemex USA levees, that this condition has existed for decades, and, as discussed in Response Nos. I-9-12 and I-9-13, the large island within the SBKR

Conservation Area has remained in substantially the same condition during that period. Furthermore, PACE and CHANG have both concluded that the large island within the SBKR Conservation Area is expected to remain relatively stable over the long-term (see PACE, Hydraulic and Geomorphic Assessment, Lytle Creek San Bernardino Kangaroo Rat (SBKR) Upland Habitat Conservation Area Erosion/ Protection Plan, April 2007; CHANG, Lytle Creek North Development – Erosion Protection for Habitats, March 25, 2007). Nevertheless, PACE explained that erosion and deposition is a natural ongoing process in Lytle Creek and can be expected to continue, with or without the project. In fact, this is part of the natural fluvial processes in this system, and is necessary for the wash to continue to provide suitable RAFSS habitat and SBKR habitat over time. Some additional erosion and some additional deposition associated with other smaller islands within the wash can also be expected to continue in the wash (with or without the proposed project).

Erosion protection measures conducted on the large island in 2008 can be expected to reduce the likelihood of erosion over time but they have not been designed to completely eliminate this natural force. However, the proposed project was found by PACE to not significantly alter the expected future dynamics of this erosion and deposition process within the "bankwidth" of the wash (see Appendix IV-C (PACE May 5, 2010 Technical Memorandum). This conclusion was found to be applicable to the areas of Lytle Creek, Cajon Creek, and their confluence identified by the commentor.

Additional information relevant to the analysis of the impact of the revetments on the hydrology and geomorphology of Lytle Creek and downstream areas (including the Lytle/Cajon confluence and areas further downstream) is contained in the DEIR. This information may be helpful in understanding the analysis and conclusions concerning the revetment's anticipated impact on hydrology and geomorphology. For example:

- ◊ Flow path uncertainty in this reach of Lytle Creek is minimal and existing flood control and other structures (such as USACE constructed groins, flow diversion structures, and the I-15 Freeway overcrossing) further reduce the potential for changes to the flow path outside of the current banks, although smaller braided channels within the outer bank width can be expected to shift within the bank width over time pp. 4.4-70-72 and 77-78).
- ◊ The hydraulics and associated hydrology and geomorphology of this general reach of Lytle Creek have been well studied (pp. 4.4-70 and 77-79).
- ◊ Revetments and levees have been studied before in this reach of Lytle Creek, and at least for the more recent proposed structures anticipated changes to hydrology have been found to be minor (p. 4.4-79).

- ◊ Hydrologic studies have considered the potential for effects on those higher elevation areas within Lytle Creek (generally above the 100-year floodplain) that are sometimes referred to as "islands" (p. 4.4-85).
- ◊ Outfall structures, Best Management Practices (BMP) basins, and energy dissipaters will help to ensure that the project will not have a significant impact on downstream receiving waters and habitat (p. 4.4-90).

Future maintenance of revetment. As for the issue of future maintenance of the revetment, see Response Nos. I-9-4 and I-9-7 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum).

Comment I-9-15

Alternative Analysis. The Department recommends that new alternatives be considered that exclude development of the floodplain and/or exclude the necessity for a 7 mile long levee. In terms of infrastructure, any alternative that would eliminate a 7 mile long levee would both reduce the cost of the project and be environmentally superior. An alternative to the levee is taking development out of the floodplain by raising the elevation of the development footprint. This is not discussed except to note that in the absence of approval for the adjusted floodplain map based upon construction of the levee, raising the elevation of development is the only alternative. This concept was not considered as an alternative. The Department requests that the FEIR consider an alternative that: (1) removes the levee, (2) constructs the levee inland of the proposed location, or (3) elevating development above the floodplain be considered.

Response I-9-15

The alternatives analysis that was prepared for the DEIR (Section 7.0) considered an alternative that did not consider extension of the proposed levee system (or, more accurately, the construction of revetments). Section 7.5.3 of the DEIR describes three "habitat avoidance" alternatives. Each alternative evaluated in this section was designed towards minimizing the direct disturbance of sensitive habitats. The first "habitat avoidance" alternative examined an alternative that minimized impacts to occupied habitat for the least Bell's vireo and the San Bernardino kangaroo rat. The second "habitat avoidance" alternative examined an alternative that minimized impacts to RAFSS. The third "habitat avoidance" alternative examined minimizing impacts to jurisdictional waters.

The second "habitat avoidance" alternative – minimizing impacts to RAFSS – proposed to locate all development behind the FEMA 100-year floodplain line and did not include construction or extension of the proposed revetments/levee to the existing Cemex USA levee. In response to the comment, this "habitat avoidance" alternative removed the revetment/levee component from the project and proposed development of the project on a smaller footprint of development as compared to the proposed project (see DEIR, Figure 7-3). This alternative assumed that the smaller footprint would result in a reduced

level of development and assumed 4,873 dwelling units and 602,827 square feet of commercial, office and light industrial uses. This alternative eliminated the existing El Rancho Verde Golf Course, the active adult community, the school sites, and parks that are proposed by the project. Although this alternative would avoid construction of the revetments, it would still impact some RAFSS and would not meet a number of project objectives such as providing a range of housing opportunities, additional recreational opportunities, and needed infrastructure.

The third "habitat avoidance" alternative proposed was designed to reduce the impacts to jurisdictional waters. In order to accomplish this objective, the location of the revetment in Neighborhoods III and IV would be moved further away from the channel and would locate the revetment inland of the proposed location as suggested in the comment (see DEIR, Figure 7-4). Relocating the revetment inland of where it is proposed under the project would result in fewer impacts to jurisdictional waters and would require development of the project on a smaller footprint of development. This alternative assumed development of 5,846 new dwelling units and 730,893 square feet of non-residential use. Because of the need to connect the proposed revetment to existing facilities, even though the location of the revetment/levee is moved away from the channel and further inland, it cannot avoid impacts to jurisdictional waters altogether, although the amount of jurisdictional waters impacted under this alternative is reduced as compared to the proposed project.

The comment also suggests that an alternative that elevates development above the floodplain be considered. The project itself proposes to elevate the development areas above the floodplain and so it reflects this recommended design concept. However, while taking land outside of the floodplain by filling it and elevating would avoid flooding impacts, it does not eliminate the need for erosion protection. Elevated land, while not exposed to flooding, would still be exposed to potential erosion and undercutting by the creek hydrology and hydraulics from the standpoint of FEMA regulations. In order to protect the raised areas from erosion impacts, some form of protection, such as the proposed revetment, would still be required.

Comment I-9-16

Water Quality and Rights. Lytle Creek and the Santa Ana River (Reach 4) are listed on the Clean Water Act (CWA) 303(d) list as an impaired water bodies due to pathogen contamination from nonpoint sources. Lytle Creek drains into the Santa Ana River downstream from the project site within Reach 4 (Mission Blvd. Bridge in Riverside to the San Jacinto Fault (Bunker Hill Dike) in San Bernardino). The DEIR states that based on the land uses associated with the proposed project, the following additional storm water pollutants have the potential to enter Lytle Creek and the Santa Ana River downstream as a result of the project: bacteria/virus, nutrients, pesticides, sediment, trash and debris, organic compounds, oxygen demanding substances, metals, and oil and grease. Environmental Impact 4-7, listed under Section 4.4.5.3: Cumulative

Impacts of the DEIR, states: "Development of the project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within Lytle Creek and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources." The DEIR's Preliminary (Impact) Determination for Environmental Impact 4-7 under the DEIR is: "Less-than-significant impact" because the project will "be required to implement BMPs and fully comply with all applicable State water quality laws and regulations." The Department does not agree with this determination. If mitigation measures, such as BMPs, are required to prevent the cumulative impact of the introduction of contaminants into Lytle Creek, Sycamore Creek, and the Santa Ana River from this and future projects, then this impact should be regarded as "potentially significant unless mitigation incorporated." Without the implementation of BMPs for this and future projects within the project site, Lytle Creek, Sycamore Creek, and the Santa Ana River downstream would become further impaired by the additional contaminants listed above and the viability of the associated beneficial uses would be jeopardized.

Response I-9-16

The comment questions the preliminary determination of significance as it pertains to cumulative impacts to water quality. Note that the project's direct impacts to water quality (discussed under Environmental Impact 4-5) was determined to be "potentially significant unless mitigation incorporated" and so, the DEIR acknowledged that the project had the potential to contribute stormwater pollutants to Lytle Creek unless treatment control BMPs and recommended mitigation measures were implemented.

Specifically, the DEIR noted that Section 12.60.260 of the City Municipal Code will require the project to implement a "Stormwater Quality Management Plan" (SWQMP) which includes various structural and treatment control BMPs, such as "(a) dry extended detention basins; (b) wet ponds/basins; (c) wetland filters; and (d) vegetated swales (pp. 2-54 through 2-55 and 4.4-90). The DEIR also stated that (under Mitigation Measure 4-2) the project would implement a number of source control BMPs during the project's operational life and that (under Mitigation Measure 4-3) regular monitoring of these long-term BMPs will be required as an ongoing obligation of the project. Based on that, the DEIR concluded that Environmental Impact 4-5 would be reduced to a less-than-significant level after mitigation (pp. 4.4-89 through 4.4-91).

With regard to cumulative impacts, however, the DEIR took a somewhat different approach. Based on the fact that the project was designed to include the BMPs noted above and on the fact that existing mitigation measures ensured that those BMPs would be implemented, in the cumulative impacts assessment, the DEIR treated the project as already including those BMPs. The DEIR also noted that the related projects in the general project area that were considered as part of the DEIR's cumulative impacts analysis would also be legally required to implement various structural and treatment control BMPs to reduce potential impacts

from stormwater and non-stormwater runoff. Based on that, the DEIR deemed the project's potential contribution to cumulative impacts as not significant. The commentor, however, states that it would have preferred that the project's potential contribution to cumulative impacts be preliminarily designated as "potentially significant unless mitigation is incorporated." The comment did not state that the project's potential contribution to cumulative impacts would be significant after the required mitigations were implemented, rather the comment only appears to state that it would prefer that the potential cumulative impact be labeled "potentially significant" and then note that the BMPs that are already included as mitigation measures have mitigated that potential cumulative impact to a level below significance.

While the DEIR's approach was appropriate and has the same substantive result the commentor seeks, to be responsive to this comment, the pre-mitigation categorization of Environmental Impact 4-7 (which should be renumbered as Environmental Impact 4-8) has been changed to describe the identified environmental impact as "potentially significant unless mitigation is incorporated" and then to note that Mitigation Measures 4-2 and 4-3 will reduce that impact to below a level of significance after mitigation.

Mitigation Measure 4-8 was inadvertently numbered Mitigation Measure 4.7 in the DEIR (p. 4.4-100). As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 4.4-100 and 4.4-1-1 and Table ES-3) has been revised to correct an incorrect reference to an identified project-related environmental impact in the Executive Summary and in Section 4.4 (Hydrology and Water Quality).

> *Environmental Impact 4-~~7~~8. Development of the project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within the Lytle and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources.*
>
> *Preliminary Determination 4.~~7~~8. ~~Less-than-significant impact~~ Potentially significant unless mitigation incorporated.*

The accompanying DEIR analysis (p. 4.4-101) is amended as follows:

> In addition, other related projects that may occur within the general project area may produce cumulative water quality impacts. Those related projects will, however, be required to implement BMPs and fully comply with all applicable State water quality laws and regulations. Moreover, it is reasonable to assume that in order to mitigate impacts to a less-than-significant level, the related projects would be required to implement source control BMPs and a regular monitoring program. As such, because all

related projects must fully comply with applicable water quality requirements and would likely implement mitigation measures similar to Mitigation Measures 4-2 and 4-3, cumulative impacts would ~~not manifest at a level of significance~~ be less than significant after mitigation.

Comment I-9-17

The DEIR states that West Valley Water District has no restrictions on how much water it can pump and serve within the Lytle Creek region. However, page 4.4-75 of the DEIR states that the Lytle Creek Groundwater Basin was adjudicated in 1924 and has a safe yield of 35,000-45,000 acre-feet per year. Please identify if this basin is the same basin designated by SAWPA as the Lytle Creek Basin or a different basin designated by another entity. If this basin is the same basin discussed earlier, the Department is concerned with how unrestricted pumping of this basin will exceed the "safe estimated annual yield" for the basin and potentially reduce surface flows in Lytle Creek, Sycamore Creek, and the Santa Ana River downstream. Please clarify which basin is being discussed in each section of the DEIR and analyze the impacts of unrestricted pumping of surface flows and potentially impacts to aquatic resources.

Response I-9-17

The statement referenced in the comment regarding the West Valley Water District's (WVWD or District) ability to pump water to serve customers in its service area was from the DEIR (p. 4.4-57). This statement does not mean, however, that there are no restrictions on WVWD's ability to safely pump water from the Lytle Creek Groundwater Basin. Rather, the District's ability to pump encompasses its rights to pump from various groundwater basins, including the Lytle Creek Groundwater Basin, as well as pumping surface flow from Lytle Creek. The District's ability to pump is not limited to just one basin because, as the commentor notes, the Lytle Creek Groundwater Basin has a safe yield of 35,0000-45,000 acre-feet per year (AFY). In fact, WVWD's proposed pumping of the Lytle Creek Groundwater Basin is estimated to be approximately 10,000 AFY (see DEIR, Table 4.10-10). With respect to the commentor's concern regarding unrestricted pumping on surface flows, the DEIR identified that the WVWD is limited in terms of the amount of surface flow it can pump to 2,290 gallons per minute (gpm) which represents the District's full allotment of surface flows from Lytle Creek. Therefore, there are allotments that have been identified with respect to WVWD which will ensure that adverse impacts, such as groundwater basin overdraft or impacts to aquatic resources are either avoided or minimized.

Comment I-9-18

The DEIR states that Cemex USA has agreed to participate in the project's groundwater recharge program by providing two separate spreading basins with the North and South pits at the Cemex USA quarry site on the south side of Lytle Creek. The DEIR states that, "the South Pit levee will include three flow control inlet pipe and value assemblies to allow high surface water flows into the South Pit," indicating that recharge water will be obtained from Lytle Creek. The Department is concerned

that surface water diversion for groundwater recharge at the Cemex USA pits may result in direct and cumulative adverse impacts to the resources of Lytle Creek and the Santa Ana River downstream by reducing instream flow and water availability needed to maintain fish and wildlife habitat within and adjacent to both streams. The DEIR does not clearly identify the water rights requirements for the surface water diversions for groundwater recharge at the Cemex USA pits, nor does it discuss whether or not the City or Cemex USA currently holds a water right or plans to acquire a water right to divert surface flows from Lytle Creek as a part of the project. The DEIR should address the project's need for surface water rights and analyze how surface water diversions on Lytle Creek could potentially impact aquatic resources.

Response I-9-18

One or more member agencies of the Lytle Creek Water Conservation Association (LCWCA) have been conducting water diversion, water spreading and groundwater recharge operations for most of the last 100 years in the reach of Lytle Creek where the LCRSP is located. For purposes of this discussion, references to LCWCA refer to either LCWCA or one or more of its member water agencies. LCWCA conducts these surface water diversion and groundwater recharge activities under a blanket easement granting such rights over a large area of Lytle Creek and the immediate vicinity, including areas of the Cemex USA mining operations. Approximately 43 acres of recharge basins operated by LCWCA (which had been diverting flows in Lytle Creek for many decades in this reach of Lytle Creek) were damaged during the severe storm events of Winter 2004/2005. LCWCA intends to exercise its water diversion and water recharge rights by using a portion of the Cemex USA North and South Pits for groundwater recharge in lieu of reconstructing those damaged recharge basins in this area of Lytle Creek. Currently, the Cemex USA North Pit already has two 36-inch diameter pipes (controlled by valves) installed in its levee which enable LCWCA to divert Lytle Creek flows into the North Pit for recharge. LCWCA has not utilized the Cemex USA North Pit for such purposes to date (Cemex USA is currently conducting mining operations in the North Pit). Through the installation of two 36-inch diameter pipes with flow control valves in the repaired levee protecting the South Pit, LCWCA will be able to alternatively select one pit or the other for use in its groundwater recharge operations. LCWCA intends to divert water into one of the pits for groundwater recharge during the time that Cemex USA is conducting mining in the other pit.

The project is not proposing to transfer any of LCWCA's water rights to either Cemex USA or the City. Rather, the project and the DEIR recognizes that LCWCA intends to exercise its rights on Cemex USA property (namely, the North and South Pits) and that Cemex USA has agreed to participate in LCWCA's recharge program (see DEIR, p. 4.4-99). To that end, LCWCA intends to exercise its water diversion and groundwater recharge rights by working cooperatively with Cemex USA, such that Cemex USA will mine one of the two pits while LCWCA is conducting groundwater recharge in the opposite pit.

As noted above, LCWCA has been diverting surface flows in this reach of Lytle Creek for roughly the last 100 years. The 2004/2005 storms damaged approximately 43 acres of LCWCA recharge basins but this same event also created the potential for water in Lytle Creek to now be diverted into the South Pit without any flow control (such as would be provided by the two intake pipes and control valves). Under existing conditions, LCWCA could exercise its spreading rights using the diversion pipes and valves at the North Pit, although this would likely create a conflict with Cemex USA's desire to continue mining the North Pit at present. Presumably, LCWCA is accomplishing some surface water diversion and groundwater recharge by virtue of the damaged Cemex USA levee at the South Pit and the new surface flows which now would be diverted into the South Pit before rejoining Lytle Creek. The repair of the portion of the South Pit levee that was breached by the 2004/2005 storms will stop this relatively uncontrolled water diversion and flow into the South Pit and replace that condition and the recently damaged spreading basins with an approximately 80-acre recharge basin in the South Pit and two 36-inch diameter inlet pipes and control valves in the repaired South Pit levee.

The DEIR incorrectly states that the South Pit levee will include three flow control inlet pipes and valve assemblies. The CEQA analysis will be corrected to state that the South Pit levee will include two 36-inch diameter inlet pipes and flow control valves, exactly the same flow capacity as currently exists at the Cemex USA North Pit levee for water recharge in the North Pit.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 4.4-100) has been revised to more accurately describe the South Pit spreading basin within the Cemex USA property in Section 4.4 (Hydrology and Water Quality).

- South Pit. In collaboration with Cemex USA, under the proposed LCRSP, the construction and repair of the South Pit levee (permitted by Cemex USA) will be undertaken. The South Pit levee will include ~~three~~ two 36-inch diameter flow control inlet pipes and valve assemblies to allow high surface water flows into the South Pit. The inlet of the ~~three~~ two flow control valves will have a flow diversion area with a barrier directing flows to the valves. The South Pit will be divided into four ponds by using native pit bottom material to build three soft division berms for flow control distribution.

PACE and PCR Services Corporation (PCR) analyzed the impact of the installation of the two inlet pipes in the South Pit levee for surface flow diversion and groundwater recharge on the biological resources of Lytle Creek and the Santa Ana River downstream in terms of the potential for reducing in-stream flows and water availability in such a manner as could adversely impact fish and wildlife habitat and aquatic resources in those

areas. Those analyses are provided in PACE's "Discussion of CEMEX Spreading Basins and Groundwater Recharge" (PACE, May 13, 2010), included in Appendix IV-D (PACE May 13 Technical Memorandum) and PCR's "Effects of Surface Water Diversion on Downstream Biological Resources" (PCR, May 17, 2010), included in Appendix IV-E (PCR May 17, 2010 Technical Memorandum No. 1) herein.

To summarize the key findings of these analyses: (1) the average daily flow in this area of Lytle Creek during a 26-year studied period was 41 cubic feet/second (cfs), (2) LCWCA's recharge program provides that water in Lytle Creek would not be diverted unless the minimum flow rate in the creek exceeds 80 cfs, (3) based on historical trends, diversions of water would, on average, only occur during a little less than 10 percent of the days in a given year, (4) the two inlet pipes would have a limited diversion capability (or spreading rate) of 75 cfs which is small in comparison to flow rates in Lytle Creek delivered during large storm events, (5) water diversion and recharge have been occurring in this portion of Lytle Creek for roughly 100 years, and (6) the amount of water to be diverted and the conditions under which water would be diverted are not expected to have a significant adverse impact to downstream aquatic resources or fish and wildlife habitat. See also Response No. I-9-4 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum).

To further ensure that surface water diversion and groundwater recharge which may be associated with the installation of the two inlet pipes and control valves in the portion of the breached Cemex USA levee to be repaired by the LCRSP (should Cemex USA not complete its repair of this levee prior to the project improving other portions of the Cemex USA levee associated with the South Pit) do not have a significant, indirect adverse impact on downstream biological resources, a new mitigation measure (Mitigation Measure 5-10) is proposed under Environmental Impact 5-9 (pp. 4.5-143 through 4.5-148).

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.4-146) has been revised to address surface water diversions in Lytle Creek for groundwater recharge using the Cemex USA South Pit in Section 4.5 (Biological Resources).

> Surface water diversions in Lytle Creek for groundwater recharge using Cemex USA South Pit. Installation of two 36-inch diameter inlet pipes and control valves in the Cemex USA levee protecting the South Pit as part of the Cemex USA levee repair could potentially adversely impact downstream habitats or species in Lytle Creek if allowed to completely divert all surface water flows in Lytle Creek passing by the Cemex USA South Pit into the pit for groundwater recharge. Although surface water in this portion of Lytle Creek has been diverted for groundwater recharge for roughly the last 100 years and although large

> storm events will result in surface water flows in this reach of Lytle Creek that substantially exceed the amount of surface water that could be diverted by two 36-inch diameter inlet pipes (which would have a maximum flow capacity of 75 cfs), a mitigation measure (Mitigation Measure 5-10) has been formulated to ensure that any surface water diversion does not occur until a minimum surface flow threshold had been exceeded to ensure that downstream water flows will not be significantly impacted during the non-wet months as a result of water diversion for groundwater recharge to the South Pit. Stream gauge data suggest that the magnitude of the average daily flow in this area of Lytle Creek is approximately 41 cfs. Mitigation Measure 5-10 would not allow surface flows to be diverted into the Cemex USA South Pit recharge area until a minimum flow rate in Lytle Creek exceeded 80 cfs, so that a significant base flow would always continue downstream within the creek.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.5-172 and Tables ES-3 and ES-4) has been revised to address surface water diversions in Lytle Creek for groundwater recharge using the Cemex USA South Pit in the Executive Summary and in Section 4.5 (Biological Resources).

> Mitigation Measure 5-10. Surface Water Diversion for Groundwater Recharge. If the Applicant is required to complete the levee repair work in Mitigation Measure 4-5, then prior to any ground disturbance for construction in Neighborhoods II or III, the Applicant shall first obtain binding assurances, acceptable to the City, from the LCWCA or its relevant member agencies, that no water diversions will be made by LCWCA member agencies using the inlet pipes to be installed in the Cemex USA South Pit levee unless the daily flow in Lytle Creek through the project site exceeds 80 cubic feet/second (cfs).

Comment I-9-19

The Department recommends the Lead Agency address and analyze the direct, indirect and cumulative impacts associated with these issues in the FEIR: (1) The potential cumulative impacts of the levee system, including levees on the east, on the fluvial processes of Lytle Creek above and below the I-15; (2) The potential individual and cumulative impacts of the levee on lands in the channel that are currently in conservation in perpetuity as mitigation for impacts to native fauna and flora (wildlife); (3) Inclusion of a management and maintenance plan for the proposed levee and channel by the San Bernardino County Flood Control Department; (4) A discussion of the proposed levee to protect the mining operation, what is necessary at a minimum to protect the mining operation; the reasons why is this issue included with this project and an impact and mitigation analysis; (5) A discussion of prior efforts (2006) regarding the repair of

Cemex USA levees along Lytle Creek, including proposed design; (6) A response to the Army Corps of Engineers statements regarding the potential adverse impact of the North Lytle Creek Development levee on Lytle Creek; (7) A discussion of the adverse impacts of flooding on in-channel mitigation lands proposed in the Lytle Creek North Development project and implications for this project.

Response I-9-19

The comment raises a number of issues, most of which have been addressed in previous responses. Each issue is identified separately below:

(1) Potential cumulative impacts of the levee system. See Response Nos. I-9-4, I-9-12, I-9-13, I-9-14, and Appendix IV-C (PACE May 5, 2010 Technical Memorandum).

(2) Potential individual and cumulative impact of levee on lands in the channel. See Response Nos. I-9-4, I-9-7, I-9-8, I-9-12, I-9-13, I-9-14, and Appendix IV-C (PACE May 5, 2010 Technical Memorandum).

(3) Management and Maintenance plan for the proposed levee and channel. See Response Nos. I-9-4, I-9-7, I-9-8, and Appendix IV-C (PACE May 5, 2010 Technical Memorandum). The Applicant does not intend to have a management agreement with the SBCFCD. The District will not release the bonds associated with the revetment construction until it is satisfied that the revetment has been properly constructed.

(4) Discussion of proposed levee to protect mining operation. See Response No. I-9-13 and Appendix IV-C (PACE May 5, 2010 Technical Memorandum). As explained in Response I-9-13, the CDFG issued a Streambed Alteration Agreement to Cemex USA to conduct repairs to the Cemex USA levee associated with the South Pit. Cemex USA also obtained authorization to repair this levee from the USACE and the SARWQCB. The maintenance and repair of the Cemex USA levees is primarily the responsibility of Cemex USA and it is expected that Cemex USA will repair the levee protecting the South Pit in accordance with the necessary authorizations to do so. Cemex USA will continue to maintain, repair, and improve its levees as it deems appropriate, although current industry standards suggest that most entities now seek to construct, maintain, repair, and/or improve to standards sufficient for FEMA accreditation. As explained in the DEIR (p. 2-2), the project included as an off-site component, namely the impact of levee improvements extending approximately 2,000 linear feet on property owned by Cemex USA. This 2,000 linear foot area is shown in the DEIR (Figure 2-10, p. 2-61). The impact of the levee improvement in this location was fully analyzed in the DEIR (see, for example, Table 4.5-12 [Impacts to Plant Communities within the LCRSP Study Area] and Table 4.5-20 [Permanent Impact to

Off-Site California Department of Fish and Game Jurisdiction]). Improvements along this portion of the Cemex USA levee to standards necessary for accreditation by FEMA are being proposed. This area of levee improvement would tie into the existing levee on Cemex USA property. If, for some reason, Cemex USA has not repaired the portion of its South Pit levee (for which it has already obtained authorizations from CDFG, USACE, and the SARWQCB) by the time that the LCRSP is implementing the off-site (2,000 linear foot) Cemex USA levee improvement (as shown in Figure 2-10), then the Applicant would seek to conduct those Cemex USA levee repairs.

An additional analysis of the potential biological resource impacts associated with the proposed repairs to the Cemex USA South Pit level is presented in "Potential Biological Impacts from CEMEX Levee Repairs" (PCR, May 18, 2010), included in Appendix IV-D (PCR May 18, 2010 Technical Memorandum) herein.

A new mitigation measure (Mitigation Measure 4-5) is proposed under Environmental Impact 4-6 to ensure and clarify that those levee repairs will be made by the time project construction in either Neighborhoods II or III first commences. The impacts to biological resources (habitats, species and jurisdictional waters) resulting from the levee repair anticipated to be undertaken by Cemex USA were analyzed as part of the CDFG, USACE, and SARWQCB authorizations for these repairs.

Impacts to biological resources are described and analyzed in the Appendix IV-F (PCR May 18, 2010 Technical Memorandum). In sum, PCR determined that after considering all of the impacts to habitats, species, and jurisdictional waters (both State and federal) that would result from repairing the damaged portion of the Cemex USA levee at the South Pit and adding those to the impacts identified in the DEIR as resulting from the project, none of the findings in the DEIR and BRA regarding the level of significance of project impacts to biological resources would change. Adding these impacts to the project impacts analyzed in the DEIR, the Lead Agency has determined that the addition of these impacts does not result in any change to the findings regarding significance of project impacts to biological resources. See PCR memorandum dated May 18, 2010.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.4-98) has been revised to ensure that off-site levee repairs conducted along the Cemex USA South Pit levee occur in a time period to provide flood protection to Neighborhoods II and III in Section 4.4 (Hydrology and Water Quality).

> In order to ensure that people and structures are not subjected to significant flood hazards, a mitigation measure (Mitigation Measure 4-4) has been formulated to provide specific standards by which the engineering plans for the armored revetment must comply in order to assure that impacts from creek flows are reduced to a less-than-significant level. A mitigation measure (Mitigation Measure 4-5) has been formulated to further ensure that people and structures are not subjected to significant flood hazards, by ensuring that the Cemex USA levee repairs have been made along the Cemex USA South Pit levee by the time the armored revetment is being constructed in Neighborhoods II or III to protect property and people in those on-site neighborhoods.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.4-102 and Tables ES-3 and ES-4) has been revised to ensure that off-site levee repairs conducted along the Cemex USA South Pit levee occur in a time period to provide flood protection to Neighborhoods II and III in the Executive Summary and in Section 4.4 (Hydrology and Water Quality).

> Mitigation Measure 4-5. Continuity of Flood Control Revetment and Levees. If Cemex USA has not completed the repairs to its South Pit levee for which it obtained authorizations under Streambed Alteration Agreement 1600-2006-0256-R6 and Nationwide Permit No. 3 (USACE No. SPL-2006-1460) by the time that the Applicant is constructing its revetment for Neighborhoods II or III, subject to the existing agreement between Cemex USA and the Applicant, the Applicant shall undertake those repairs to the Cemex USA levee in connection with the Applicant's other off-site improvements to approximately 2,000 linear feet of the Cemex USA levee adjacent to Neighborhood II.

(5) Discussion of prior efforts regarding repair of Cemex USA levees. See Response No. I-9-13. Cemex USA provided project design information for its proposed levee repair to the CDFG (the commentor) and to the USACE as part of the application materials for the necessary authorizations for the levee repair issued by the two agencies under Section 1602 of the CFGC and Section 404 of the federal Clean Water Act, respectively. Cemex USA also obtained authorization for the levee repair from the SARWQCB.

(6) Response to USACE statements. See Response No. I-9-13.

(7) Discussion of adverse impacts of flooding on in-channel mitigation lands. See Response Nos. I-9-12, I-9-13, and I-9-14, including the various technical reports and memoranda discussed therein.

Comment I-9-20

(8) The loss of RAFSS and RSS and other sensitive plant and animal resources, including, but not limited to: Plummer's Mariposa lily, Los Angeles pocket mouse, Santa Ana woollystar and San Bernardino kangaroo rat (SBKR) at this location and in the context of riparian foothill systems in the Valley region of San Bernardino County; (9) The project's potential impacts on wildlife movement west to east in the foothills of the San Bernardino National Forest; (10) The project's potential impacts on wildlife movement north and south and the loss of foraging habitat and the potential increased impact of predators on SBKR due to channelization; (11) The validity of the project's analysis of the loss of RAFSS and RSS based upon quantitative estimates of remaining habitat in the valley region of San Bernardino County and in southern California (mitigation for the loss of RAFSS and RSS should be of similar qualitative value, including wildlife species composition).

Response I-9-20

The commentor raises a number of issues in this comment, most of which have been addressed in previous responses. Each issue is identified separately below:

(8) Loss of RAFSS and RSS and other sensitive resources. The direct, indirect, and cumulative impacts to the species and vegetation communities identified by the commentor, namely RAFSS, RSS, Plummer's Mariposa lily, Los Angeles pocket mouse, Santa Ana woollystar, San Bernardino kangaroo rat, as well as the other sensitive plant and animal resources on the project site were fully and sufficiently analyzed in the DEIR. Those analyses looked both at the project site and at the southwestern San Bernardino County region. For details regarding those analyses, see the DEIR (pp. 4.5-92 through 4.5-163) and BRA (pp. 106-148, including tables and graphics).

(9) Wildlife movement west to east in foothills. See Response: No. I-9-8 regarding concerns for loss of connectivity. See the DEIR (pp. 4.5-117 through 4.5-118 and 4.5-164) for a discussion of the analysis of direct, indirect, and cumulative impacts to wildlife movement.

(10) Wildlife movement north and south. See Response No. I-9-8.

Loss of foraging habitat. See Response No. I-9-8.

Potential increased impact of predators on SBKR due to channelization. As explained in Response No. I-9-7, the project does not propose channelizing Lytle Creek. See Response Nos. I-9-21, I-14-9, I-14-11, I-14-13, and II-1-3 for a discussion of the DEIR's analysis of indirect effects of the project on the SBKR and

the project design features incorporated and mitigation measures imposed to reduce that impact to a level below significance.

(11) Validity of analysis of loss of RAFSS and RSS. Concerning the validity of the analysis of the loss of Riversidean alluvial fan sage scrub and Riversidean sage scrub, specifically, in the San Bernardino County valley region and greater southern California, the results reflect the use of the best sources of information available and a methodology that more then meets the "rule of reason" provided for in CEQA. A detailed description of the approach is provided in the BRA (pp. 138 and 139), and included current information provided by cities and the County for the cumulative impact analysis and mapping from current aerial photographs verified by field checking for both the cumulative impact analysis and the inventory of alluvial fan sage scrub throughout southern California. A highly refined, small-grained analysis was not always possible due to the absence of site specific data and interpretation of aerial photographs; however, the relevant analyses contained in the DEIR and BRA are presented with high confidence that they reflect an accurate assessment. A fine-grained analysis of cumulative and region-wide existing conditions and cumulative losses is neither reasonable nor necessary to determine significant or less-than-significant impacts at the scales such losses were assessed.

Comment I-9-21

(12) The potential cumulative post development human impacts on Lytle Creek, in terms of trespassing, off-road vehicle use, domestic pets, and trash (the potential impacts of predation on SBKR by domestic cats and dogs is of critical importance).

Response I-9-21

The matter of the potential impacts listed in the comment, commonly considered to be indirect impacts, is addressed in the BRA at p. 116 (common wildlife species), p. 117 (wildlife movement), p. 118 (sensitive plant communities), pp. 122 and 123 (sensitive plant and sensitive wildlife species), p. 135 (least Bell's vireo), and p. 137 (San Bernardino kangaroo rat), with mitigation of potentially significant indirect impacts to San Bernardino kangaroo rat (that will benefit wildlife in general) described on pp. 181 through 183, and mitigation of potentially significant indirect impacts to least Bell's vireo described on pp. 184 and 185.

The DEIR summarizes these as well. Indirect impacts were analyzed in the DEIR at pp. 4.5-143 through 4.5-148. See Response Nos. I-9-8, I-9-9, I-14-9, I-14-11, I-14-12, I-14-13, and II-1-3 for a discussion of the DEIR's analysis of indirect effects of the project on biological resources and the project design features incorporated and mitigation measures imposed to reduce that impact to a level below significance.

Comment I-9-22

(13) The lack of stream-floodplain ecosystem analysis and potential development impacts on this ecosystem; (14) The loss of connectivity between stream channel and upland habitat.

Response I-9-22

For a response to the concerns expressed in the comment, see Response Nos. I-9-4 (including the PACE May 5, 2010 memorandum), I-9-7, I-9-8, I-9-12, I-9-13, and I-9-14 (concerning the stream-floodplain analysis), and Response No. 1-9-8 (concerning the loss of connectivity between stream channel and upland habitats).

Comment I-9-23

(15) Separating proposed mitigation lands from existing mitigation lands.

Response I-9-23

See Response Nos. I-9-6 and I-9-8. In fact, a substantial amount of lands to be permanently conserved as natural habitat through mitigation measures in the EIR will be assured of directly connecting with existing mitigation lands in Lytle Creek and Cajon Creek. Also, the HEA mitigation option for RAFSS mitigation (Mitigation Measure 5-1), by recognizing an increased value for the dedication and/or restoration/ enhancement of AFSS habitat that is directly connected to other large blocks of AFSS habitat, helps to promote additional off-site mitigation land being located adjacent to other conserved lands.

The DEIR's "Project Description" (pp. 2-105 and 2-106) describes in detail how the habitat conservation areas proposed to be added by the project would add upon, link with, and be complimentary to, and synergistic with, other areas of existing conservation open space.

Approximately 2,352 acres of conservation-oriented habitat abut the LCRSP study area and are within five individual conservation areas, including: (1) Cemex USA mitigation area (154 acres); (2) San Bernardino County Sheriff's Facility woollystar preserve (128 acres); (3) San Bernardino County Flood Control District conservation area (475 acres); the (4) Vulcan Material Company conservation bank (1,378 acres); and (5) the Lytle Creek North SBKR Conservation Area (216.7 acres). To this, the proposed LCRSP will add approximately 395.4 acres of open space within Lytle Creek, for a total dedicated habitat conservation area of about 2,747 acres, of which over 90 percent is RAFSS (see DEIR, p. 4.5-158).

Comment I-9-24

(16) Historical locations of the federally-listed endangered Coastal California gnatcatcher and its critical habitat, as well as quantification of any loss of critical habitat; (17) The loss of any critical habitat for any federally-listed species and mitigation for losses.

Response I-9-24

As explained at DEIR (pp. 4.5-73 through 4.5-74), no gnatcatchers were observed within the LCRSP study area during the 2005, 2006 and 2007 focused surveys. Previous focused surveys in 1994 and 1995 also did not detect the species within the LCRSP study area. The project site exists within the northern limits of the species' inland distribution. The DEIR also noted the few occurrences that have been documented in the general vicinity of the LCRSP study area, including a single individual in 1990 approximately 0.25 miles north of the study area and a single observation in 1993 on the area now being developed as Rosena Ranch. The DEIR concluded that the LCRSP study area is not occupied by the gnatcatcher.

The DEIR also discussed that in 2007 the USFWS removed the designation of critical habitat from the all of former critical habitat Unit 11, which included the project site, as well as other areas in San Bernardino County. Accordingly, there is no critical habitat for the gnatcatcher designated on the project site and the project would not remove any land designated as critical habitat for the gnatcatcher. As explained in the DEIR, the USFWS removed the critical habitat designation from the project site and all other areas within former Unit 11 for the following reasons: "[D]ocumented used of these areas by the. . .gnatcatcher is sparse. We also acknowledged in the revised proposed rule that linkages between populations in [former] Unit 11 and populations in more southerly portions of the range are unconfirmed. We have not received any additional occurrence information in this area and have, upon reevaluation of the limited occurrence data in our files, determined that this area does not support a core population or provide an important linkage area. Further the features in this area are not of sufficient quantity and spatial configuration to be considered essential to the conservation of the species" (p. 4.5-74) (see also p. 4.5-131).

As explained in the DEIR, the only designation of critical habitat for any species on the project site is that which is designated for the SBKR. Figure 4.5-1 shows the area on the project site designated as critical habitat for the SBKR. A discussion of SBKR and its critical habitat is contained in the DEIR (pp. 4.5-76 through 4.5-86, 4.5-134 through 4.5-137, and 4.5-163). Critical habitat designation on the project site encompasses approximately 1,171 acres. The project would permanently impact approximately 596 acres designated as critical habitat (inclusive of both on-site and off-site impacts); the project would temporarily impact approximately 38 acres designated as such (inclusive of both on-site and off-site impacts).

The DEIR notes that inasmuch as critical habitat designations are intended to guide the review and analysis of federal actions by federal agencies and inasmuch as more site-specific habitat suitability analysis and SBKR use and occupancy information and data were available for this project site, as compared with the more generalized information used by the USFWS to map critical habitat areas in San Bernardino County, the DEIR properly focused its CEQA analysis on the assessment of occupied and suitable habitat for the species on the project site (and the impacted off-site areas) generated by the species surveys, trapping data, and the field work assessing SBKR habitat conditions contained in the BRA. Mitigation for the loss of areas solely based on their designation by USFWS as critical habitat for a species is neither appropriate nor required under CEQA. Designation of critical habitat for listed species is intended to allow federal agencies to determine whether actions authorized by those agencies would adversely modify critical habitat for listed species. The determination of whether an activity would adversely modify critical habitat is to be made by USFWS and federal agencies in connection with carrying out their obligations under Section 7 of FESA (see DEIR, p. 4.5-2). Rather, CEQA requires the Lead Agency to analyze the project's

impact on the SBKR and considerations of the impact on the SBKR may include considerations and analysis of the impact on occupied and suitable habitat for the species.

The DEIR examined the direct, indirect, and cumulative impacts to the SBKR that would be expected to result from the proposed project. The commenter is referred to the DEIR (pp. 4.5-134 through 4.5-137 and 4.5-170 through 172). Relevant information and analysis also is contained in the BRA (BRA, pp. 135-137, 148, and 176-183). The DEIR determined that the project would result in permanent impacts to about 140.6 acres and temporary impacts to 41 acres of SBKR habitat. The DEIR concluded that this impact would be significant and proposes a set of mitigation measures to reduce this impact to a level below significance. Those measures are set forth in Mitigation Measure 5-7. As explained in the DEIR (p. 4.5-137), those measures would set aside (through preservation of existing occupied and suitable habitat as well as creation and restoration of suitable habitat) adequate wash and upland refugia in a biologically and geographically meaningful configuration necessary to sustain the species in the long-term. It is the intent of the off-site mitigation, in combination with the on-site mitigation and avoidance measures, to achieve long-term sustainability of the Lytle Creek and Cajon Creek population of the SBKR through the creation of a system-wide conservation area for the species. Lands set aside for permanent conservation of the SBKR in connection with the project design and mitigation measures will include lands occupied by the SBKR.

Comment I-9-25

(18) Quantification of the loss of currently occupied SBKR habitat and mitigation for these losses (mitigation for the loss of occupied habitat should result in the conservation of SBKR-occupied habitat); (19) The necessity for a United States Fish and Wildlife Service Habitat Conservation Plan for the SBKR.

Response I-9-25

See Response No. I-9-24 for a discussion of the quantification of occupied SBKR habitat proposed to be impacted by the project and the mitigation measures proposed for project impacts to the SBKR and its habitat. "Occupied habitat" is a term that can mean different things to different biologists. The DEIR notes that an extensive trapping program was carried out in all potentially suitable habitat within the LCRSP study area in 2005, 2006, and 2007. For reasons explained in the DEIR (p. 4.5-77), SBKR-occupied habitat was defined for purposes of the impact analysis as consisting of RAFSS that has been occupied at some point between 2005 and 2007 through the various on-site surveying methods. The SBKR is considered to occupy approximately 702.7 acres (both on-site and within off-site impact areas), of which 140.6 acres will be permanently impacted and 41.0 acres will be temporarily impacted (p. 4.5-135). The project would contribute about 316.2 acres of additional, occupied SBKR habitat as permanently conserved habitat within Lytle Creek in addition to the approximately 202 acres of occupied SBKR habitat previously set aside by the Applicant in the immediately adjacent SBKR Conservation Area in Lytle Creek in connection with the LCNPD.

See Response No. I-9-10 regarding the possibility of a future habitat conservation plan (HCP) to be developed for compliance with the FESA. It is not necessarily the case that compliance with the FESA and the obtaining of incidental take authorization for the SBKR will require an HCP to be prepared in accordance with Section 10(a) of FESA. As explained in the DEIR (p. 4.5-1-4), incidental take authorization for the SBKR for this project may be obtained either through FESA Section 10(a) or FESA Section 7. Only Section 10(a) requires the preparation of an HCP. As noted (p. 4.5-3), incidental take authorization under FESA for this project is more likely to occur through compliance with Section 7.

Comment I-9-26 (20) Alternatives to an armored revetment.

Response I-9-26 See Response No. I-9-15.

Comment I-9-27 (21) An analysis of the potential impacts of new recharge basins in the channel and additional water diversion.

Response I-9-27 See Response No. I-9-18.

Comment I-9-28 (22) An analysis of the temporary and permanent impacts from constructing a soil cement overpour structure over two high pressure gas lines that cross Lytle Creek, and why this is necessary.

Response I-9-28 The DEIR (pp. 4.4-85 through 4.4-86) incorrectly states that the project will construct a soil cement overpour structure on top of the two high pressure gas lines as they cross Lytle Creek. This statement is incorrect and derives from an incorrect statement in the "Preliminary Master Plan of Drainage and Stormwater Management Lytle Creek Ranch Project, Preliminary Engineering Study" (PACE, November 2008), included in Appendix III-C-D (Drainage Management Plan) of the DEIR. Figure 20 of the Drainage Management Plan correctly shows the location of the potential overpour structure, which would be within an existing utility easement held by the Southern California Gas Company (SoCalGas) within portions of Neighborhood I and an off-site County parcel to the immediate north of Neighborhood I (where there is currently a dirt access road used by SoCalGas over these utility lines). Section 4.3.4 of the Drainage Management Plan intended to make note of one possible method of addressing possible future work that may be performed by SoCalGas – independent of the LCRSP project – at such time as SoCalGas may decide to resurface its existing access roadway over this segment of the gas line in this area. The error in Section 4.3.4 of the Drainage Management Plan was confirmed by PACE (see Appendix IV-C [PACE May 5, 2010 Technical Memorandum]). PACE subsequently prepared an "Errata Sheet – Preliminary Master Plan of Drainage and Stormwater Management – Lytle Creek Ranch Project" (PACE, May 17, 2010) (PACE May 17, 2010 Section 4.3.4 Errata Sheet), presenting replacement language for Section 4.3.4 of the Drainage Management Plan. That replacement language is presented in Appendix IV-G (PACE May 17, 2010 Section 4.3.4 Errata Sheet).

The DEIR (p. 2-45) states that the LCRSP project does not propose any improvements (including any cement overpour structures) within this utility easement. As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 4.4-85 and 4.4-86) has been revised to delete reference to proposed cement overpour structures associated with the existing SoCalGas pipelines in Section 4.4 (Hydrology and Water Quality).

> With regards to the I-15 Freeway bridge, the south abutment and two piers of the existing bridge will be enclosed by the proposed flood control revetment. The encroachment into the existing floodplain will alter the current hydraulic behavior in the bridge vicinity and may affect the bridge flood conveyance and scour characteristics under the existing condition. The proposed revetment will act as the new south abutment for the bridge. Design of the toe-down has taken into account the maximum scour potential that may occur at the bridge location and will provide an adequate protection for both the proposed project and the bridge structure.[157] ~~In addition, there are two existing buried high-pressure gas lines that cross Lytle Creek, perpendicular to the centerline, about 1,500-feet downstream of the northbound I-15 Freeway bridge. The existing and proposed high-velocity flows in Lytle Creek have the potential to damage these gas lines. As proposed, a soil cement overpour structure will be constructed over the lines to protect them from undermining and erosion-related damage.[158] Construction and maintenance of that structure will ensure that impacts to operating gas lines remain at a less-than-significant level.~~

Comment I-9-29

(23) Inclusion of the construction of seven (7) miles of levee as a "Area of Controversy."

Response I-9-29

As specified in Section 15123(b)(2) in the State CEQA Guidelines, the draft EIR shall contain a brief summary of the proposed actions and its consequences, and must identify "[a]reas of controversy known to the lead agency including issues raised by agencies and public." CEQA does not define or describe criteria as to what constitutes an "area of controversy."

The DEIR notes: "Except where otherwise noted, since most comments included requests that specific information or analysis be included in the EIR, none of the issues raised are considered 'areas of controversy' by the Lead Agency. Although it may not elevate to an actual 'areas of controversy,' one item has arisen where conflicting or potentially conflicting viewpoints have been expressed by the Applicant and by a commenting agency" (Executive Summary, pp. 17-18). That item related to a substantive disagreement between LAFCO and the Applicant with

regards to the annexation of non-contiguous lands, made non-contiguous based on the existence of a freeway right-of-way. That single item was identified because, at the time of the document's release, there then existed unresolved procedural issues with regards to annexation.

In the context of the CDFG's request that the construction of the seven mile levee/revetment facility be identified as an "area of controversy," the issue presented is not whether construction of the revetment provides a procedural issue to consideration of the proposed project (similar to the annexation issue) but the consideration of alternatives to and precise nature of any mitigation measures that should be examined and imposed by the Lead Agency in its evaluation of the proposed project. As such, the Lead Agency would consent to identifying this item as an "issue to be resolved" pursuant to Section 15123(b)(3) of the State CEQA Guidelines.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the "Executive Summary" has been modified to include "levee construction" as an "issue to be resolved" but not as an "area of controversy."

◊ Levee construction. The project proposes construction of regional flood control improvements, including a revetment along the entire length of the western bank of Lytle Creek to reduce the potential for erosion impacts. The proposed revetment will be constructed along the west bank of Lytle Creek and will be located adjacent to the proposed development areas in Neighborhoods II, III, and IV. The proposed revetment was designed in accordance with the criteria established by the County of San Bernardino Flood Control District (SBCFCD or District) and has been designed for the 100-year flood plus additional safety factors set forth in the design criteria to account for debris and floodplain hydraulics. The improvements also include approximately 10.1 acres of off-site improvement within property owned by Cemex USA between Neighborhoods II and III which will involve improvements to an existing levee.

The issues to be resolved as part of the consideration of the project by the Lead Agency include consideration of alternatives to the proposed project, including alternatives to the proposed flood control improvements, their design, and location and the precise nature of any mitigation measures that should be examined and imposed by the Lead Agency in its evaluation of the proposed project. Additional issues involve the use of the Lead Agency's CEQA documentation for future discretionary approvals by responsible agencies that may have jurisdiction over

the construction of the revetment, including California Department of Fish and Game (CDFG) and the United States Army Corps of Engineers (USACE).

Comment I-9-30 (24) A discussion of the encroachment of proposed development east of S. Lytle Creek Road within the floodplain and a history of flooding and protection of S. Lytle Creek Road.

Response I-9-30 See Appendix IV-C (PACE May 5, 2010 Technical Memorandum) for a full discussion of this issue. As explained therein, development in Neighborhood IV was oriented to minimize/avoid encroachment into the existing "active" floodplain by aligning the revetment to follow the active streambank. The 100-year water surface is below the existing bank alignment and the area proposed for development in Neighborhood IV is no longer within the active 100-year floodplain. The proposed revetment in Neighborhood IV would not change the hydraulic characteristics of the floodplain. Drainage facilities under South Lytle Creek Road are proposed which will accommodate flows from the western off-site watersheds and convey them to Lytle Creek without increasing the flow rate. The facilities are designed to maintain the natural sediment supply (or pre-project sediment volumes) to Lytle Creek.

Comment I-9-31 (25) The potential impact of proposed development east of S. Lytle Creek Road on Santa Ana speckled dace.

Response I-9-31 As the project's revetments (levees) will not have any potentially significant effect on the hydrology or geomorphology of the existing active wash (see Response Nos. I-9-4, I-9-7, I-9-8, I-9-12, I-9-13, and I-9-14, and Appendix IV-C [PACE May 5, 2010 Technical Memorandum]), the use of the active wash area by the Santa Ana speckled dace will not be restricted. Even after the project is constructed, this species will still be able to move up and down Lytle Creek and migrate to Cajon Creek.

Comment I-9-32 (26) The rationale for constructing multi-family residential housing east of S. Lytle Creek Road and the potential impacts of this development on Lytle Creek resources.

Response I-9-32 The reference to "east of S. Lytle Creek Road" appears to be a reference to Neighborhood IV. CEQA generally does not require that each intended use of land proposed as part of a project be justified in the EIR. Rather, CEQA requires that the lead agency analyze the environmental impacts of the proposed project, consider a reasonable range of alternatives to the proposed project, and, where feasible, adopt mitigation measures to reduce any significant environmental impacts to a level below significance. The LCRSP was intended to provide a mix and range of residential opportunities for all segments and needs of the community within the context of an overall master planned development that responded to regional housing needs. Because of its proximity to Lytle Creek Road and the I-15 Freeway, as well as the proposed village center commercial area, multi-family residential development was determined to

be more appropriate from a land-use planning perspective (e.g., compatibility with surrounding uses) than lower density residential development and, as its impacts on creek resources could be mitigated to a less than significant level, this use in this location was determined to be appropriate and not a significant impact on the environment.

Comment I-9-33 (27) An analysis of the loss of State jurisdictional waters due to construction of a levee and placement of housing east of S. Lytle Creek Road and proposed mitigation measures; and (28) The jurisdictional delineation maps in the DEIR reflect only active channel and do not include the entire State jurisdictional waters, the DEIR should also include an accurate State jurisdictional map to quantify the project impacts to State waters.

Response I-9-33 A complete delineation of all of the State jurisdictional waters (as well as all waters within the jurisdiction of the USACE under the federal Clean Water Act) within the areas proposed for development or impact by the proposed project (both within the project site and in the off-site areas proposed to be impacted by the project) was prepared by Glenn Lukos Associates (GLA) and submitted to the City. Following the City's independent review, that report was included in Appendix III-E (Jurisdictional Delineation Report) to the DEIR. The GLA delineation included exhibits depicting the extent of the CDFG (State) jurisdictional waters on the project site and exhibits depicting those CDFG jurisdictional areas that would be impacted by project development. This includes, but is not limited to, construction of the revetment, conversion of land to other uses, and off-site impacts from the project.

GLA has extensive experience (more than 20 years) conducting jurisdictional delineations of State jurisdictional waters in California. GLA personnel are highly qualified in the preparation of jurisdictional delineations. GLA's biologists are often asked to be "expert witnesses" in legal proceedings regarding the limits of State jurisdictional waters. Additionally, GLA's biologists and regulatory specialists have worked with the CDFG for over 21 years and secured hundreds of Section 1602 (formerly Sections 1601 and 1603) Streambed Alteration Agreements.

The jurisdictional delineation included in the appendix and the discussion of that delineation in the DEIR included all of the State jurisdictional waters, not just the active channel. As explained in "Lytle Creek Ranch Project; Located in the City of Rialto and Unincorporated San Bernardino County, California: Response to California Department of Fish and Game Comment Letter" (GLA, May 11, 2010), included in Appendix IV-H (GLA May 11, 2010 Technical Memorandum) herein:

> Section 1602(a) of the California Fish and Game Code states as follows: "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or

> other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. . .GLA's delineation, dated February 8, 2008, and revised on April 20, 2009, considered and mapped the jurisdictional limits of State waters that are potentially subject to the CDFG's jurisdiction under Section 1602 of the Fish and Game Code. These drainage features were considered either rivers or streams, as no lakes were present. The drainage features supported bed, bank, channel and, in some cases, vegetated riparian habitat within, or adjacent to, a river or stream supporting bed, bank, and channel, all of which would be regulated pursuant to Section 1602 of the Fish and Game Code.
>
> Indeed, GLA has mapped the "active channel" of Lytle Creek and its tributaries; however, as depicted in the graphics contained within the jurisdictional delineation report for Neighborhoods I, II, III, and IV, GLA mapped and identified all drainage features that would be considered CDFG jurisdiction due to the presence of a defined bed, bank, channel, and vegetated riparian habitat. These features include braids to the "active channel" within the Lytle Creek alluvial fan system that contained a defined bed, bank, and channel (but were not part of the "active channel" itself) that would be regulated pursuant to Section 1602 of the Fish and Game Code. GLA also mapped and identified tributaries to Lytle Creek, settling basins, water quality basins, and vegetated riparian habitat.
>
> The delineation did not include as "jurisdictional" non-jurisdictional swales in uplands that did not support a defined bed, bank, or channel, or non-jurisdictional remnant alluvial fan areas in uplands that have been hydrologically cut off from Lytle Creek through construction of existing approved levees and/or berms that control the 100-year flood. These remnant alluvial fan areas do not, or no longer, support a defined bed, bank, or channel, and do not support aquatic resources; therefore these swales and remnant alluvial fan features should not be considered as "State jurisdictional waters" regulated by the CDFG under Section 1602 of the Fish and Game Code.

GLA submitted its initial delineation of State jurisdictional waters to the CDFG for verification of the accuracy of the mapping on December 13, 2007. The Applicant informs the Lead Agency that the Applicant and its representatives, including GLA, made multiple requests to the CDFG, subsequent to that submission, for verification of the delineation, including requests for field visits with CDFG staff to walk the project site and review GLA's findings. CDFG did meet with GLA on the site on one occasion in March 2008 and walked approximately one-third of the project (the areas

of Neighborhood I and IV) as part of reviewing the delineation. At that time, CDFG personnel requested GLA provide some additional information to assist with the CDFG's review, and all of the additional information requested necessary for a verification of the delineation was provided by March 26, 2008. However, CDFG staff declined repeated requests in 2008 to schedule a second site visit to walk the remaining portions of the project site and discuss the delineation report findings. Similarly, CDFG declined repeated requests by the applicant and its representatives to conduct a verification of the delineation. In a letter to the Applicant and GLA dated May 5, 2008, the CDFG stated that it did not have staff available to verify the delineation. By letter dated May 9, 2008, the Applicant's representative again explained that the Applicant sought CDFG verification of the delineation to facilitate reliable project planning and design that would minimize impacts to State waters and assure that CEQA environmental review documentation contained the most accurate information possible regarding CDFG jurisdiction on the property. In its letter, the Applicant's representative notified the Department that it was willing to pay any required fees for the verification, and requested that CDFG engage staff from another region to verify the delineation if staff resources were limited in Region 5. Again, CDFG declined to engage in a verification of the delineation.

Proposed mitigation measures for impacts to jurisdictional waters are set forth in Mitigation Measure 5-3. It should be noted that a significant amount of jurisdictional waters are also likely to be provided through the implementation of the RAFSS impact mitigation measure (Mitigation Measure 5-1).

Comment I-9-34 Conclusion. The Lytle Creek Ranch Specific Plan DEIR fails to adequately identify and discuss the project impacts to biological resources and does not provide sufficient mitigation to offset the impacts. Therefore, the Department recommends the City address our above concerns in the FEIR.

Response I-9-34 See Response Nos. I-9-2 though I-9-33.

Comment I-9-35 Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Response I-9-35 This comment is acknowledged.

Letter No. I-10
Lynn Boshart, Chair
County of San Bernardino – Board of Supervisors
El Rancho Verde Municipal Advisory Council
385 North Arrowhead Avenue
San Bernardino, California 92415-0110

Comment I-10-1

As Chair of the El Rancho Verde Municipal Advisory Council (MAC), I submit this letter to inform you that the MAC has voted (four board members voting in the affirmative with one abstaining) issuing a position of non-support for the Lytle Creek Ranch Specific Plan project as presented.

Response I-10-1

Formation of a MAC is authorized by Section 31010 of the CGC. The purpose of a MAC is to advise the Supervisor in whose district the MAC is located on a variety of issues such as land use, public safety, parks, and community services. As described in the "Municipal Advisory Council (MAC) of San Bernardino County Handbook" (County of San Bernardino, revised May 2005) (MAC Handbook), MACs "were created to provide a consistent and inviting community forum, for the public to hear about and give comments on a number of local and countywide topics. . .Advisory councils provide recommendations on a variety of topics. Members are tasked with gathering input, making recommendations based on that information and relaying it to the appropriate decision-making body, such as the San Bernardino County Board of Supervisors" (MAC Handbook, p. 2).

The MAC is advisory to the County Board of Supervisors, however, the project will be considered by the City Council of the City of Rialto, not the County, and, therefore, the actions of the MAC are neither binding on the City nor would they be directly provided to the City or required to be considered by the City.

As indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the MAC Handbook has been added to the list of reference documents cited in Section 9.0 (References).

Comment I-10-2

In addition to the MAC vote, during a presentation by Lytle Development Company on March 18, 2010, at the Community Meeting held at the El Rancho Verde Country Club, El Rancho Verde residents, approximately 250, expressed overwhelming disapproval, disappointment and resistance to the Lytle Creek Ranch Specific Plan.

Response I-10-2

Lead Agency representatives were in attendance at that meeting and acknowledge the presence of opposition both expressed at that and other community meetings and in numerous comments presented herein. No decisions or other discretionary actions have yet to be taken by the Lead Agency with regards to the proposed project and all comments received by the Lead Agency will be considered by the City's advisory and decision-making bodies as part of their deliberations.

Comment I-10-3

We believe that this project is not in keeping with the unique community lifestyle that El Rancho Verde residents currently enjoy and strive to preserve. While we understand the City of Rialto's desire to annex the project, bring in new development and expand its tax base, we deem that the draft EIR does not adequately address some of the overriding concerns of those who live here.

Response I-10-3 This comment expresses the opinion of the MAC regarding the proposed project, its effect on the adjacent El Rancho Verde community, and the adequacy of the DEIR.

Comment I-10-4 Air Pollution. The proposed development will drastically increase levels of air pollution especially during construction and significantly after new residents located to the development site. The EIR states, "No feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." Given that construction of this project will be extended over many years, the air pollution will be an ongoing concern for those residents in the vicinity of the construction site. Similarly, during and after the project's operations, the number of vehicles that would converge in the immediate vicinity would add to mobile source emissions and would create significant air problems for residents in the area already noted for its poor air quality.

Response I-10-4 The DEIR states that construction-term air emissions constitute a "significant and unavoidable impact" (pp. 4.7-63 and 4.7-67). More specifically, the DEIR states that the following air quality construction impacts cannot be feasibly mitigated to a less-than-significant level: (1) During construction, with regards to criteria pollutants, the projected maximum daily emissions of carbon monoxide (CO), oxides of nitrogen (NOx), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and volatile organic compounds (VOC) could exceed SCAQMD recommended threshold standards (Environmental Impact 7-1); and (2) Maximum PM_{10} and $PM_{2.5}$ concentrations, as primarily associated with grading activities, are projected to be 80.2 $\mu g/m^3$ and 17.9 $\mu g/m^3$, respectively, and would occur in the vicinity of those residential areas located to the south of the project site. Substantially lower PM_{10} and $PM_{2.5}$ concentrations would occur in the vicinity of those residential areas located to the east of the project site (Environmental Impact 7-2, pp. 4.7-66 through 4.7-67).

Similarly, the DEIR indicates that the following operational air quality impacts are also unmitigable: (1) The increase in daily emissions resulting from operation of the proposed project are expected to exceed the SCAQMD thresholds for VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X (Environmental Impact 7-4, p. 4.7-70); and (2) The project will locate sensitive receptors within an area of localized cancer risk in excess of the SCAQMD significance threshold of 10 in one million (10×10^{-6}) (Environmental Impact 7-7, p. 4.7-75). Other significant air quality impacts identified in the DEIR include: (1) Projects that exceed the assumptions in the current AQMP, based on the year of the project's build-out, or fail to demonstrate compliance with the criteria outlined in the Guidance Document could result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, and/or delay the attainment of State and federal air quality standards (Environmental Impact 7-8, p. 4.7-86); (2) Since the project will exceed SCAQMD regional emission thresholds during construction, even with the incorporation of all feasible mitigation measures, the project will contribute

to a significant cumulative air quality impact (Environmental Impact 7-9, pp. 4.7-102 through 4.7-103); and (3) The project area is out-of-attainment for both ozone (O_3) and particulate (PM_{10} and $PM_{2.5}$) emissions. Peak daily emissions of operation-related pollutants would exceed SCAQMD regional significance thresholds. By applying SCAQMD's cumulative air quality impact methodology, implementation of the proposed project would result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects in the region, would occur. The emissions generated by project operation would be deemed cumulatively considerable (Environmental Impact 7-10, p. 4.7-103).

Those preliminary conclusions are based, in part, on the threshold of significance criteria presently recommended by the SCAQMD, as contained in the SCAQMD's "CEQA Air Quality Handbook: (April 1993). Because the SCAQMD's criteria constitute recommended guidelines and not a mandate, the Lead Agency is provided discretion as to what threshold of significance criteria it elects to impose upon the proposed project. See Mira Mar Mobile Community v. City of Oceanside (2004) 119 Cal.App.4th 477, 493 (citing Section 15064[b] of the State CEQA Guidelines). Accordingly, "[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting" (Section 15064[b], State CEQA Guidelines). Since the SCAQMD's criteria equally applies to both small and large projects, it is inherently biased against large projects, such as the LCRSP, because it inevitably leads to a finding of significance. See also Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

In deciding whether or how to approve the proposed project, as appropriate, CEQA requires the decision-making agency to balance economic, legal, social, technological, or other benefits against its unavoidable environmental risks (14 CCR 15093[a]). Construction, operational, and cumulative air quality impacts constitute some of the proposed project's anticipated "environmental risks" that will need to be considered by the Lead Agency's advisory and decision-making bodies. In addition, the project will employ numerous sustainable design features, including measures to address construction techniques. See Response Nos. I-3-1 and I-3-2.

Comment I-10-5

Building in a Floodplain. The project as proposed would build over 3,000 homes in a floodplain area that is also part of an earthquake fault zone. Should there be a disaster of either proportion, the arteries for this development would not be able to handle the high numbers of vehicles required to leave the area and would overload the main road, Riverside Avenue.

Response I-10-5

Although portions of the project site are currently within mapped flood plain areas, as proposed, those development areas will be elevated and thereby removed from the floodplain (p. 4.4-84). In addition to elevating areas proposed for development, the project also proposes construction of regional flood control improvements, including a revetment along the entire length of the western bank of Lytle Creek to reduce the potential for erosion impacts (p. 4.4-83). With respect to the comment as to whether the project site is part of an earthquake fault zone, a number of mitigation measures (Mitigation Measures 3-1 through 3-4) have been formulated to ensure that all construction and operational seismic impacts will be reduced to a less-than-significant level (pp. 4.4-115 and 4.4-126).

As indicated in the DEIR: (1) project-related and cumulative traffic impacts have been fully mitigated to an acceptable level of service and have been sized to accommodate the vehicle trips from the project (pp. 4.6-53-54); (2) as mitigated, public safety considerations (e.g., fire, flood, and seismic hazards) do not elevate to a level of significance; (3) neither the police department (e.g., RPD, SBCSD, CHP) nor the fire department (e.g., RFD, SBCFD) have raised this issue as an item that needed to be expressly addressed in the DEIR; (4) there exist multiple points of entry and exit to and from the project site (e.g., compliance with Uniform Fire Code); and (5) neither the County's "San Bernardino County Operational Area Multi-Jurisdictional Hazard Mitigation Plan" (San Bernardino County Fire Department, April 2005) nor the City's "Hazard Mitigation Plan – Community of City of Rialto, CA" (Rialto Fire Department, August 29, 2004) identify emergency evacuation as a significant issue affecting the community.

Comment I-10-6

Land Use Compatibility. There are a number of residents who live immediately to the south of the proposed development site and find that the access to the rear of their properties would be denied when development homes are built to the edge of property lines. These homes, originally sold as horse property would be landlocked. Additionally, without any density buffering between homes on an acre versus homes on 2,800 square foot lots the high density is in sharp contrast to the existing neighborhood and diminishes the value of those pre-existing homes.

Response I-10-6

With respect to the issue of access to the area behind these properties, see Section 3.2.4.2 (Topical Response No. 2 – Access Road along Neighborhood II Southern Boundary). It is not entirely accurate to describe the existing homes as "landlocked" as there is still access to and from the homes; however, the project would result in development adjacent to the rear of the homes. Currently, the property adjacent to these homes is private property to which there are no rights by the existing homeowners to use that property.

Presented in the DEIR is a "land-use compatibility analysis." That analysis is based on the inherent compatibility of the general operational characteristics of different types of land uses (e.g., residential,

commercial, and light industrial), the timed provision of requisite infrastructure improvements, and, with regards to specific land uses, the project's likely compliance with those quantitative and other performance-based standards applicable to those uses. Since similar land uses can be assumed to generate like-kind effects, the introduction of similar uses adjacent to one another will seldom produce land-use compatibility conflicts. Alternatively, since different types of land uses can exhibit different operational characteristics (e.g., traffic, noise, and vibration), the placement of land uses of different type or intensity next to one another can produce potential compatibility conflicts.

Residential land uses of different density are inherently compatible because the operational characteristics of all residential areas are generally the same. Other than as it relates to specific design, all residential uses have similar performance standards and operate under similar daily cycles. For example, with regards to noise, neither the City General Plan and City Municipal Code nor the County General Plan and County Development Code impose different noise standards for single-family or multi-family housing. Whether one lives in an apartment of single-family home, residential areas neighborhoods bushel with activity during the day, the pace slows during the evening, and individuals need relative quiet at night to sleep.

The area adjacent to these homes is proposed for "Single-Family Residential 3 (SFR-3)" which would permit single-family detached and attached units. As a residential use, it would be generally compatible with the existing residential uses from a land-use compatibility and zoning perspective (p. 4.1-128). Whether the existing homes would be affected in terms of value is not a function of an environmental impact report which addresses environmental, not fiscal, impacts (see Section 15064[e], State CEQA Guidelines ["Economic and social changes resulting from a project shall not be treated as significant effects on the environment"].

As illustrated in Figure 4.1-24 (Existing Land Uses – City of Rialto) in the DEIR, throughout the City, there exist numerous examples where existing medium-high density residential uses abut existing low-density residential uses. Significant land-use conflicts have not been identified in those areas.

Presented in the DEIR is a land-use compatibility analysis with regards to the proposed project and both Las Colinas and Country Club Estates (i.e., El Rancho Verde). As indicated therein: "As proposed, with the exception of those properties that abut PA 91 (proposed 'Village Center Commercial [VC]'), all existing residential land-uses located within County Club Estates that now abutting the El Rancho Verde Royal Vista Golf Course or other open space areas will continue to abut either the reconfigured golf course or one of the following adjoining residential land uses: 'Single-Family Residential 1 (SFR-1) (2-5 du/ac),' 'Single-Family Residential 3 (SFR 3) (8-14 du/ac)', or 'High Density Residential (HDR) (25-35 du/ac).' As proposed, the 'High Density Residential (HDR)' area located in

Neighborhood II (PA 92) also has a VC Overlay designation. As such, with the possible exception of those few properties where an existing residential use may abut a future commercial use, post-project land uses will remain compatible with existing residential land use within the County Club Estates area. In recognition of the potential land-use compatibility impacts associated with both the placement of certain permitted land uses adjacent to other existing uses within the proposed LCRSP area and, specifically, with regards to those future commercial uses that may be located adjacent to existing residential uses, a mitigation measure (Mitigation Measure 1-1) is recommended which, when implemented, will reduce potential land-use compatibility conflicts associated with the contiguous placement of such uses to a less-than-significant level."

As indicated in Section 18.78.060 (Procedures for Adoption and Amendment of Specific Plans) in Chapter 18.78 (Specific Plans) of the City Municipal Code: "Prior to approving or conditionally approving any specific plan or amendment thereto, the following findings shall be made by the Planning Commission and City Council that the specific plan: (1) Is consistent with the goal and policies of the [City] General Plan and with its purposes, standards and land use guidelines; (2) Will help to achieve a balanced community of all races, age groups, income levels and ways of life; (3) Results in development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood; (4) Contributes to a balance of land uses that will enable local residents to work and shop in the community in which they live; (5) Respects the environmental and aesthetic assets of the community consistent with economic realities; and (6) Incorporates, where feasible, active and passive energy conservation measures" (Section 18.78.060[l]). As specified therein, the Planning Commission and City Council must made a finding that the proposed project "will be compatible with existing and proposed development."

If the Lead Agency is unable to make those findings, the LCRSP cannot be adopted and the potential impacts associated with the proposed project will not come to fruition or, should they come to fruition, would not manifest at those levels indicated in the EIR. Pursuant to Section 18.02.080 (Newly Annexed Areas) of the City Municipal Code: "Any area annexed to the City after the effective date of this title is automatically placed in the 'R-1 A' single family zone, and remains in that zone until the land use zoning map for the area has been adopted by the Planning Commission and City Council unless the Commission and Council determine.the precise zoning as a part of the annexation procedure."

Comment I-10-7

It is for these reasons that we, the El Rancho Verde MAC, cannot support the current proposal known as Lytle Creek Ranch Specific Plan. We believe that this particular project is in a location that creates many negative impacts for the residents of El Rancho Verde County Club Estates. We urge the City to reconsider the size and scope of the proposed development, and its adverse environmental impacts on the area and the residents.

Response I-10-7 This comment is acknowledged.

Letter No. I-11
James M. Squire, Deputy Director
County of San Bernardino
Land Use Services Department - Advanced Planning Division
385 North Arrowhead Avenue
San Bernardino, California 92415-0182

Comment I-11-1 Thank you for providing us a copy of the March 2010 Environmental Impact Report (EIR) for the proposed Rialto Lytle Creek Ranch Specific Plan (LCRSP) in the Lytle Creek area north of Riverside Drive. The LCRSP proposes "up to 8,407 dwelling units and 849,420 gross leasable square feet of general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar uses (excluding institutional, educational, recreational, and infrastructure-related uses)" on approximately 2,447.3 acres, including an annexation of 1700 acres of unincorporated land. The County of San Bernardino (County) has several concerns regarding the LCRSP and the Draft Environmental Impact Report (DEIR) prepared for it.

Response I-11-1 This comment is acknowledged and responses to the County's concerns are provided below in response to specific comments.

Comment I-11-2 Relationship to County's Glen Helen Specific Plan and Resource Management Plan. Over 286 acres of the proposed LCRSP are within the boundaries of the County's Glen Helen Specific Plan (GHSP). This plan was prepared between 1998 and 2001 with a Draft Environmental Impact Report being prepared and released for comment in late 2000. Numerous comments were received, with major concerns being raised by the federal and state resource protection agencies. As a result, adoption of the plan was delayed nearly five years in order for the County to prepare a Resource Management Plan (RMP) to address the concerns of the US Fish and Wildlife Service and the California Department of Fish and Game. The RMP was completed in 2005 and the specific plan was finally adopted by the Board of Supervisors in November of that year. The 286-acre area that is proposed to be removed from the GHSP and included in the LCRSP was integrated into the calculation of the Environmental Mitigation Fee of $7000 per acre that was adopted as a part of the RMP and the GHSP Environmental Impact Report. The impacts of removing this area from the GHSP could be substantial, especially in light of all that was required to adopt the plan initially. The DEIR for the LCRSP is inadequate in that there is no analysis addressing the impacts on the GHSP and associated RMP. In addition, since the LCRSP is proposed to change the boundaries of the GHSP and to decrease the area covered by the County's plan, the applicant must file a Specific Plan Amendment in order to amend the plan boundaries and to complete a proper analysis of the potential impacts that such revisions will have on the GHSP as a whole, including the RMP.

Response I-11-2 The proposed LCRSP consists of approximately 2,447.3 acres of land located partially within the City's corporate boundaries and its adopted Sphere of Influence (SOI). The approximately 1,753.1 acres of the project site currently located in unincorporated San Bernardino County will be annexed to the City in conjunction with the implementation of the LCRSP. As noted by the commentor and in the DEIR, a 286.7 acre portion of the proposed LCRSP is currently guided by the land-use regulations of the County-adopted GHSP. Accordingly, the area of the proposed LCRSP which is currently governed by the GHSP makes up only about 11.7 percent of the entire project site. Information regarding the GHSP was provided in Section 4.1 (Land Use and Planning) of the DEIR (p. 4.1-28 and Figure 4.1-12). The project's consistency with the GHSP was addressed in Section 4.1.5.2 (Consistency Analysis) (p. 4.1-140).

Zoning and general plan designations are made by the local governmental body with land-use regulatory authority over the land in question. Though the County currently has land- use regulatory authority over 1,753.1 acres of the project site, the City will assume this role following annexation of this land (see Candid Enters., Inc. v. Grossmont Union High Sch. Dist. [1985] 39 Cal.3d 878, 885 ["Under the police power granted by the Constitution, counties and cities have plenary authority to govern, subject only to the limitation that they exercise this power within their territorial limits and subordinate to state law"]; DeVita v. County of Napa [1995] 9 Cal.4th 763, 782 [noting that "a city's or county's power to control its own land use decisions derives from this inherent police power"]).

Before the City annexes unincorporated County land, several procedures must be followed, as described in the DEIR. The City must amend the City General Plan, including its Land Use Element, Circulation Element, Open Space Element, and its adopted Sphere of Influence, and make other discretionary approvals, including amendments to the City's Official Land Use Zoning Map and text (p. 2-113). The City must also prezone the land being annexed (Sections 56375[a][7] and 65859(a), California Government Code [CGC]; DEIR, p. 2-113). The prezoning must be consistent with the City General Plan and the Local Agency Formation Commission (LAFCO) must consider this consistency in approving the annexation (Section 56375[a][7], CGC ["The decision of the commission with regard to a proposal to annex territory shall be based upon the general plan and prezoning of the city"]; Section 56668[g], CGC). When the annexation becomes effective, the zoning becomes effective (Section 65859[a], CGC). Accordingly, once the 1,753.1 acres of unincorporated County land is annexed to the City, all County land-use regulations governing the annexed area will be superseded and replaced by the City's land use regulations (see, for example, Sierra Club v. City of Orange [2008] 163 Cal.App.4th 523, 543 [noting that upon annexation, a roadway portion of the project site currently in unincorporated county territory would be part of the city, and that "[a]t that point, the road will be

governed by the requirements of the city's general plan, not that of the county"]).

The DEIR explains that upon annexation to the City, the LCRSP will serve as the operative zoning mechanism and governing document for the project site; all County land-use regulations will cease to be operative on the project site (pp. 3, 1-4 through 1-5, 2-14, and 4.1-140). The GHSP contains no provision that require amendment or revision to the GHSP in the event some portion of the territory it governs is removed from the County's jurisdiction and annexed into the City. Moreover, no statute or case law appears to require existing general plans, zoning codes, or other planning or land-use documents to be amended solely because some portion of their land areas are later removed from the jurisdiction of the local government body that first approved them. Rather, by following the rules to create new general plan, zoning, and land-use regulatory approvals for the land being annexed, the City will be creating the rules that will then govern the land area in question and any previous general plan, zoning, and land-use regulations from the County will be superseded and a nullity as to the annexed land. The GHSP would remain a valid, enforceable land-use document for those areas still within the County and would simply not be applicable to those areas annexed to the City.

The Applicant is not required to file a Specific Plan Amendment with the County to amend the GHSP's boundaries. Upon annexation to the City, the County may seek to amend its relevant planning and zoning documents, including the GHSP, to remove the relevant portions of the project site, though it need not do so. Were the County to decide to undertake such a voluntary "clean up" amendment process, it seems most reasonable to do so as part of a periodic clean-up amendment process covering this and other issues that the County is expected to do from time to time to keep its planning documents current, rather than seeking to do a stand-alone, unnecessary process for just this annexation issue. No law requires the City, as lead agency for the project, or the Applicant to initiate or pursue any such clean-up amendments that the County might voluntarily decide to undertake, so whether to do so or when to do so is a matter for the County to determine at its option, unrelated to the project. Annexation of County unincorporated land is in no way dependent or conditioned upon amendment or revision of the GHSP to effectuate or complete annexation.

The commentor states that removing the 286.7-acre portion of the proposed LCRSP that is currently subject to the County-adopted GHSP could result in impacts to the GHSP and its associated RMP. This comment is unclear, as CEQA calls for analysis of impacts to the environment, not theoretical impacts to superseded documents. CEQA specifies that "the purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment" (emphasis added) (Section 21062, CEQA). "Environment" means the

physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, ambient noise, and objects of historic or aesthetic significance (Section 15360, State CEQA Guidelines). There is no potentially significant environmental impact associated with whether the County might or might not choose in the future to carry out voluntary clean-up amendments to the GHSP other than the potentially significant impacts of the project itself. Such actions are not essential or needed to successfully implement the LCRSP and the failure to take such actions does not invalidate the project, prevent or hinder annexation, or render the EIR's analysis improper.

As required by CEQA, the DEIR thoroughly evaluates the project's impacts on the physical conditions within the area affected by the project, including geology and soils, transportation and traffic, biological resources, hydrology and water quality, air quality, noise, and other potential impact areas. In addition, the DEIR evaluates the project's land-use and planning impacts and determines that implementation of the project will not result in any inconsistency with the City General Plan (pp. 4.1-140 through 4.1-155). Moreover, the majority of the project site currently governed by the GHSP is designated in the GHSP as "Golf Course Community (GCC)"; it is not designated as any sort of potential habitat area or as open space. The GCC designation provides for low-density, single-family detached residential development, as well as the development of a golf course and other similar outdoor recreational uses (p. 4.1-28 [citing GHSP, p. 2-4]). The GHSP also specifically contemplates higher density residential use within areas designated GCC. The GCC designation states that "[r]esidential development at a density higher than the permitted density may be proposed as a Planned Development, requiring additional approvals and environmental analysis" (Id.). As the project would designate a portion of the project site currently governed by the GHSP as "Single-Family Residential 1 (SFR-1)," the DEIR's analysis of the potential environmental impacts of such higher density residential development is entirely consistent with the GHSP.

In any event, the Lead Agency recognizes that the DEIR contains some language that may be unclear as to what City discretionary actions are required for successful implementation of the project and what actions the County may take to amend planning and zoning documents that currently govern the 1,753.1 acres of the project site that are in unincorporated San Bernardino County and which will be annexed to the City.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, for clarification purposes, the DEIR (pp. 15, 2-114, 4.1-138, and 4.1-139) has been revised to address certain discretionary actions associated with the proposed project.

> Executive Summary (p. 15)
>
> As proposed, the LCRSP project will necessitate concurrent revisions to the City General Plan and ~~County~~

~~General Plan, as well as concurrent revisions to the~~ City Municipal Code ~~and County Development Code~~. The County may seek to amend the County General Plan and County Development Code to remove the project site, or relevant portions thereof, but such actions are not necessary to implement the project approvals, including annexation.

Project Description (p. 2-114)

Under the State CEQA Guidelines (14 CCR 15381), a "responsible agency" is defined as a public agency which proposes to carry out or approve a project, including all public agencies other than the "lead agency" which have discretionary approval authority over the proposed project. With regards to project's approval and implementation, in addition to those actions identified above, a number of discretionary approvals will or may be required from the County. Those discretionary approvals include, but may not be limited to the following: ~~(1) County General Plan amendments; (2) County Development Code amendments; (3) amendment of the LCNPD; (4) amendment to the GHSP; (5)~~ (1) special district formation and/or revision; and ~~(6)~~ (2) annexation and/or detachment of project lands into or from existing County districts and service area and associated reorganization of existing governmental services, including, but not limited to, reorganization of existing County Service Area 70 and Improvement District GH (CSA 70-GH),[55,56] detachment from the San Bernardino County Fire Protection District[57] and its Valley Service Zone, and annexation into the WVWD. In addition, the County may seek to amend the County General Plan, County Development Code, the LCNPD, and the GHSP, but such actions are not necessary to implement the project approvals, including annexation.

Land Use and Planning (p. 4.1-138)

This EIR provides the environmental basis for the approval of all City General Plan~~, County General Plan, GHSP,~~ and ERVSP text and map amendments, all text and map revisions to the City Municipal Code ~~and to the County Development Code~~, and other actions as may be required for the adoption and subsequent implementation of the LCRSP, including the annexation of County unincorporated lands into the corporate boundaries of the City. The EIR also provides the environmental basis for future potential County actions, including amendments to the County General Plan, the GHSP, the LCNPD, and the County Development Code, should the County seek to

amend these documents upon annexation of County unincorporated lands into the corporate boundaries of the City. However, such County actions are not necessary to implement the proposed project.

Land Use and Planning (p. 4.1-139)

Text and map amendments to the City General Plan~~,~~ ~~County General Plan, GHSP, LCNPD,~~ and ERVSP, and text and map revisions to the City Municipal Code ~~and County Development Code~~, in combination with other actions, are required for the adoption and subsequent implementation of the LCRSP. Upon annexation of County unincorporated lands into the City resulting from the implementation of the LCRSP, the County may seek to amend relevant planning and zoning documents, including the County General Plan, the GHSP, the LCNPD, and the County Development Code. Such County actions are not necessary to implement the proposed project.

Comment I-11-3 Relationship to County's Lytle Creek North Planned Development. The LCRSP area includes a portion of the Lytle Creek North Planned Development (aka Rosena Ranch), which was approved by the County in 2001. The LCRSP proposes to annex several parcels of this planned development project into the City. These parcels were designated for commercial and industrial uses, open space and for the construction of a new fire station. The fire station construction was part of an agreement between the developer and the County, and was a result of mitigation measures identified in the EIR. Additionally, one of the affected parcels is currently entitled to construct a warehouse and associated infrastructure improvements, and all parcels designated for commercial/industrial uses are proposed to be removed from the County-approved Planned Development (PD). Should the LCRSP go forward, the County does request that the community trail that was a part of the PD and that connected the PD with the Glen Helen Regional Park be included in the LCRSP provisions.

Response I-11-3 See Response No. I-10-2. The comment correctly states the relationship between certain portions of the project site and the LCNPD which is also located within unincorporated County area. As proposed, portions of the County-approved LCNPD would be extracted from the LCNPD and incorporated into the boundaries of the LCRSP (i.e., annexed to the City). These areas include an approximately 48.3-acre portion of the Sycamore Canyon area located to the south of the I-15 Freeway (designated as a portion of Planning Areas [PAs] 8-10 in the proposed LCRSP) and an approximately 56.0-acre area located to the north of the I-15 Freeway and east of Lytle Creek (designated as PAs 11-15 in the proposed LCRSP). As with the GHSP, upon annexation to the City, all County land-use regulations governing the portion of the project site within LCNPD will be superseded and replaced by the LCRSP, City General Plan, City

Municipal Code, and other relevant City regulations. Currently, the LCRSP does not propose to include the community trail portion of the LCNPD that connected with the Glen Helen Regional Park nor is that needed to mitigate any significant environmental impact.

The fire station referenced in the comment is being constructed by the master builder/developer of the Rosena Ranch development. The County is also correct in noting that one of the parcels currently within the County has entitlements, granted by the County, for construction of a warehouse and associated infrastructure improvements. Should the holder of these entitlements wish to exercise them, it may do so prior to the parcel's annexation to the City. However, once annexed to the City, the provisions of the LCRSP would apply to these parcels and the County approved entitlements would have no force or effect in the City.

Comment I-11-4

The County believes that the proposed LCRSP has the potential to drastically affect the already approved Lytle Creek North Planned Development and the associated EIR. The Preliminary Development Plan for this County project needs to be thoroughly evaluated and revised to reflect the potential removal of the parcels from the PD. The applicant must file a Revision to an Approved Action application in order for staff to complete this evaluation, change the project description of the revised PD, and to identify the potential impacts that these revisions will have on the project, including any pertinent mitigation measures.

Response I-11-4

See Response Nos. I-10-2 and I-10-3. Because the portions of the LCNPD being extracted to the LCRSP will be annexed the City, all County land-use regulations governing these areas will be replaced by City land-use regulations. The Applicant is not required to file a "Revision to an Approved Action" application with the County.

Moreover, the DEIR thoroughly evaluated the proposed LCRSP's land-use compatibility with the LCNPD. As noted in the DEIR, authorized residential densities within the LCNPD range from 2 to 35 dwelling units per acre, whereas proposed residential densities in Neighborhood I of the LCRSP range from "Single-Family Residential 1 (SFR-1) (2-5 du/ac)" to "Single-Family Residential 3 (SFR-3) (8-14 du/ac)." The areas proposed for SFR-3 designation would be separated from the County-approved LCNPD by the I-15 Freeway, such that the higher density residential areas included in the proposed LCRSP would not be contiguous with the LCNPD project area (p. 4.1-127).

Open space areas between the two projects would be compatible as well. In the "Sycamore Creek West" (Sycamore Canyon) area, a LCRSP-proposed "Open Space/Recreation (OS/R)" area will adjoin a LCNPD-adopted "Open Space (OS)" area, thus linking the conservation areas located within the two projects (Id.). In sum, the DEIR concludes that based in part on the compatibility of the land-use types and densities within the LCNPD and LCRSP, "the two projects and the permitted and planned development therein appear inherently compatible" (pp. 4.1-126

through 4.1-127). Once portions of the project site currently within the County and approved as part of the LCNPD are annexed, the LCNPD would no longer apply. The relationship between the proposed project and the LCNPD was discussed in Section 4.1 (Land Use and Planning) of the DEIR (pp. 4.1-52 and 4.1-156).

Comment I-11-5 Geologic Issues. A portion of Sycamore Flat and Sycamore Canyon in the northeast area of the LCRSP lie within an Alquist-Priolo Earthquake Fault Zone designated by the State of California to include traces of suspected active faulting associated with the San Jacinto fault. The San Jacinto fault zone is considered to be one of the most active faults in southern California. A fault rupture hazard investigation was previously conducted by LOR Geotechnical. Dr. Douglas Morton from the U.S. Geological Survey, Dr. Tomas Rockwell with San Diego University, Wes Reeder County Geologist and other geologists visited the open trenches constructed to complete this investigation, and they discussed their observations as well as the consultant's conclusions. The results of the investigation were subsequently submitted and approved by the County and submitted to the California Geological Survey. The study concluded that as a result of the extent and complexity of the faulting, a considerable area should be designated as restricted with respect to placement of residences and other human occupancy structures.

Response I-11-5 This comment is acknowledged.

Comment I-11-6 As the DEIR discusses, the area was recently re-investigated by Geo Soils. The results of the new study refute the previous findings and clear the way for residential development within the previously restricted area along the fault. The Geo Soils report recommends the elimination of much of the previously approved building setbacks. In addition, the Geo Soils report indicates that the San Jacinto Fault is not a through going fault contrary to what is shown on numerous geologic maps published by the California Geological Survey and the U.S. Geological Survey.

Response I-11-6 This comment is acknowledged. To the extent that the commentor may disagree with the findings of Geo Soils, Inc. (GSI), it should be noted that a lead agency "may choose between differing expert opinions" when formulating an EIR (Browning-Ferries Indus. v. City Council [1986] 181 Cal.App.3d 852, 863; see also Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors [2001] 87 Cal.App.4th 99, 120 ["The [lead] agency has the discretion to resolve factual issues and to make policy decisions. If the determination of a baseline condition requires choosing between conflicting expert opinions or differing methodologies, it is the function of the agency to make those choices based on all the evidence"]). The State CEQA Guidelines recognize that "[d]isagreement among experts does not make an EIR inadequate" (Section 15151, State CEQA Guidelines). The DEIR discusses the 1994 LOR Geotechnical investigation in comparison to GSI's fault investigations (pp. 4.3-109 and 4.3-115). This satisfies CEQA's requirements that the EIR be responsive to opposing viewpoints (Cadiz Land Co. v. Rail Cycle [2000] 83

Cal.App.4th 74, 104 ["While there may be conflicting opinion as to whether the Bristol fault should be referred to as an inactive or potentially active fault, such dispute is not fatal to the EIR. The fact that there are differing expert opinions is not grounds for holding the EIR inadequate. All that is required is that the EIR be responsive to opposing viewpoints"]). Moreover, the lead agency, here the City, will acquire jurisdiction over that portion of the project site that is in the County's jurisdiction via annexation. As such, it is appropriate that the City, as the Lead Agency, "choose between differing expert opinions" as the use of the project site will be governed by the City's land-use laws and regulations.

Comment I-11-7

Typical standards of care during a fault investigation is to invite other professions to review the open trenches. This is especially critical if the results will be controversial and/or contrary to published geologic maps. It is our understanding that no one from the U.S. Geological Survey or the California Geological Survey was asked to review the trenches. In fact, the County Geologist was specifically asked not to review some of the most important trenches within the fault zone.

Response I-11-7

See Response No. I-11-6. In addition, as indicated in the DEIR (pp. 4.3-95 through 4.3-96 and as set forth in Appendix III-A thereto), GSI performed several program-level geotechnical reviews for the project. In particular, on July 1, 2008, GSI provided the Applicant with a summary of a fault investigation titled "Addendum No. 2 to 'Supplemental Fault and Seismic Investigation, Lytle Creek Ranch, Neighborhood 1, Sycamore Canyon Area, Rialto, San Bernardino County, California,' dated February 13, 2007; Additional Fault Investigation, Planning Area 8, Sycamore Flat Area." This addendum, included in the DEIR (Appendix III-A-C), evaluated the potential for fault rupture within PA 8 by correlating data from recent field exploration with previous information obtained by GSI and other investigators (Appendix III-A-C, p. 1).

GSI completed this study using the proper standard of care. GSI retained Dr. Roy Shlemon as an independent geologic consultant to date soils exposed in the trenches, as well as to provide Quality Assurance/Quality Control consultation (Id., p. 2). Michael Mills of Pacific Soils Engineering, Inc. (PSE) provided independent third-party review for the City (Id., pp. 2-3). In addition, County geologist Wes Reeder also reviewed the trenches with Dr. Shlemon present (Appendix III-A-C, p. 3).

Moreover, PSE provided a third-party assessment of GSI's geotechnical review (see "Updated Geological and Geotechnical EIR Level Review of Documents Pertaining to the Lytle Creek Ranch Land Use Plan, City of Rialto, County of San Bernardino, California" [PSE, September 3, 2008]). In this assessment, "PSE concludes that GSI has assessed Neighborhoods I, II, III relative to surface fault rupture hazard based upon reasonable hypotheses supported by reasonably obtainable data. GSI conclusions and recommendations regarding proposed mitigation of fault rupture potential at LCR are judged to be in accord with current A-P criteria and local standards-of-practice" (Id., p. 11).

Accordingly, based upon on the findings of GSI's geotechnical review, "the investigating engineering geologist and soils engineer concluded that the project's development was feasible from a seismic perspective." (p. 4.3-103). The DEIR concludes that "[b]ased on the program-level of review and the nature of the subject entitlements, the project is deemed to be feasible from a geologic and geotechnical perspective provided that the conditions enumerated in GSI's geotechnical review and PSE's third party assessment are incorporated" (Id.).

Comment I-11-8 Impacts to Mining Operations. The LCRSP area surrounds the CEMEX USA Lytle Creek Quarry on three sides, which has a current County permit to operate through April 2028. The LCRSP proposes single-family residential, commercial, and open space zoning adjacent to the Quarry. Key issues relevant to the LCRSP area as follows: Urban encroachment poses a threat to the ability to continue mining in this location. As seen in other mines that have experienced such encroachment by development, constant traffic, dust and noise complaints from new residents and requests for aesthetic treatments can result in agencies constraining an existing mine and hampering its ability to provide vital resources needed for development.

Response I-11-8 The land-use compatibility issues associated with approval and implementation of the LCRSP and the existing mining uses were addressed the Section 4.1 (Land Use and Planning) of the DEIR. In order to provide for compatibility between residential and mining uses, the DEIR has identified several mitigation measures. Mitigation Measure 1-6 requires that prior to approval of a tentative subdivision map to create residential development lots, a buffer zone shall be delineated on the map from the edge of the active mining areas with fencing and landscaping to buffer the residential uses from the mining uses. Mitigation Measure 7-16 imposes certain disclosure requirements for properties within 500 feet of the Cemex USA quarry and the Vulcan plant and Mitigation Measure 7-17 requires the use of air filtration systems within 500 feet of the Cemex USA quarry and the Vulcan plant.

Comment I-11-9 The sand and gravel resources in southern California are nearly at a crisis point. The Lytle Creek Quarry is on land designated as a critical mineral resource for the State of California. The LCRSP site lies within an area designated by the State as MRZ-2 (Mineral Resource Zone) that is further classified as a resource of "regional significance." The DEIR states the following: "Environmental Impact 3-5. A substantial portion of the project site is designated MRZ-2, indicating that the project site contains aggregate resources of regional significance. The proposed project will impact the MRZ-2 classified resources by less than one (0.4) percent. This resource elimination will not affect other available resources in the region. As such, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. Preliminary Determination 3-5. Less-than-significant impact." Although only 2,030 acres of the LCRSP appears to be a relatively small percentage of lands classified by the

State Mining and Geology Board as MRZ-2 in the San Bernardino region, the characterization as small is misleading. These values do not accurately represent the true impact of loss because many other areas are mined and reclaimed, land-locked, affected by infrastructure constraints, set aside for flood control measures or conservation for specific endangered species. The comparative analysis should represent the percentage of lands that can reasonably support mineral extraction activities. Loss of lands classified as MRZ-2 for aggregate resources in southern California is never insignificant and is inconsistent with the general provisions of the state Surface Mining and Reclamation Act (SMARA). Aggregate material has been mined within the general LCRSP area (although not directly on the LCRSP site) since 1955. This statement indicates vesting mining interests on adjoining properties and, as such, should be accommodated as long as these operations desire to continue in compliance with SMARA.

Response I-11-9

As the DEIR indicates, the project site includes mineral resources (construction aggregates) that have been classified by the California Department of Conservation, Division of Mines and Geology (DMG) under the Surface Mining and Reclamation Act of 1975 (SMARA) as a "Mineral Resource Zone-2 (MRZ-2)" (p. 4.3-115). The project site also has been designated by the State Mining and Geology Board (SMGB) as containing aggregates of regional significance.

The comment asserts that the DEIR's analysis should represent the percentage of lands that can reasonably support mineral extraction activities and that loss of lands classified as MRZ-2 for aggregate resources in southern California is never insignificant. The commentor claims that the sand and gravel resources in southern California are nearly at a crisis point and that the DEIR's characterization of the impact on mineral resources is misleading because it does not accurately represent the true impact of the loss. This assessment amounts to speculation that is not supported by substantial evidence in the record.

"Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate. . .does not constitute substantial evidence. . .Substantial evidence shall include facts, reasonable assumptions predicated on facts, and expert opinion supported by facts" (Section 15384, State CEQA Guidelines).

In assessing whether the project would result in a significant impact to mineral resources, the DEIR employs a significance threshold set forth in the State CEQA Guidelines and which asks if a project will "[r]esult in the loss of availability of a known mineral resources that would be of value to the region and the residents of the State" (Appendix G, Section X, State CEQA Guidelines). This threshold does not specify either an amount (e.g., specified tonnage) or impose a quantifiable (e.g., substantial) standard (p. 4.3-122). It is reasonable to interpret the value to the region "in the context of what resources will remain available if the project is developed, whether the on-site mineral resources can feasibly be

extracted, and whether the region's need can be adequately served without the project resources" (Id.).

A lead agency has the discretion whether to classify an impact described in an EIR as "significant," depending on the nature of the area affected. (Mira Mar Mobile Community v. City of Oceanside [2004] 119 Cal.App.4th 477, 493 [citing Section 15064(b) of the State CEQA Guidelines]). Accordingly, "[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting." (Section 15064[b], State CEQA Guidelines).

Approximately 2,030 acres of the LCRSP property is currently designated as MRZ-2, which represents approximately 2.7 percent of the 116 square mile MRZ-2-designated area located within the entire San Bernardino Production-Consumption (SBPC) Region (p. 4.3-116). Within the SBPC Region, "nine major MRZ-2 areas, divided into 127 smaller areas, with existing land uses that are compatible with mining, qualify as sectors. Together they cover 64 square miles and contain a total of 10.5 billion tons of aggregate" (p. 4.3-5). Although the majority of the project site's underlying mineral resources will be retained in-situ, the project may potentially remove an estimated 41 million tons of aggregate resources from the MRZ-2 zone, representing approximately 0.4 percent of the total estimate of MRZ-2 resources identified in the SBPC Region (pp. 4.3-121 through 4.3-122). The DEIR concludes that the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State, resulting in a less than significant impact (p. 4.3-125).

In addition, the DEIR thoroughly analyzes the potential to conduct mining operations at the project site. The Lead Agency considered a variety of alternative land uses on the project site. As indicated in Section 7.0 (Alternatives Analysis) in the DEIR, the Lead Agency "considered but elected to reject an aggregate mining alternative because such alternative would constitute only a short-term use (i.e., limited to the term of the mining operations), would not result in the avoidance of the project's air quality, noise, or growth-inducing impacts, and would reasonably result in greater air quality, biological resource, and traffic-related impacts" (p. 7-5). These conclusions are borne out of a technical report prepared to evaluate the potential loss of mineral resources resulting from the project. The expert's technical report, titled "Evaluation for Potential Loss of Mineral Resources Resulting from the Development of Lytle Creek Ranch, City of Rialto" (Mineral Resources Report), is included as Appendix III-B (Mineral Resources Evaluation) in the DEIR. As stated in the Mineral Resources Report (Mineral Resources Report, p. 8), the consultant engineered and analyzed two different mining plans of approximately 300 and 240 acres in size in reasonable and feasible areas within the project site that could be mined absent the proposed project.

These areas are out of the active floodway and do not conflict with current environmental preserves for the protection of certain sensitive plant and animal species. The mining plans conformed to reasonable regulatory constraints and were in general conformity to standard conditions that would be imposed by the County for necessary flood protection relative to flood control practices and normal and standard mining buffer and setback requirements (Appendix III-B, pp. 8-9). Notably, however, none of the mineral resources located on the project site are permitted or currently available to mine (Id., p. 12).

The feasibility of future mining on the project site is highly unlikely. As the Mineral Resources Report noted, mining in the area of the proposed project is constrained by many issues, including extensive flood control engineering, regulatory mine design restrictions, mine setbacks, screening and landscaping, property buffer requirements, and environmental mitigation (Id., p. 10). The California Department of Transportation (Caltrans) has jurisdiction over any mining activities within 6,000 feet of the I-15 Freeway bridge and most of the proposed project occurs within that area (Id., p. 11). The future stability of the I-15 Freeway bridge structure would need to be considered should any significant mining occur either up stream or downstream of the bridge structure (Id.). In addition, the USFWS has indicated that mining anywhere around the 214 acre habitat species preserve in the Lytle Creek Wash (and within the project site) would negatively impact the San Bernardino Kangaroo Rat (Id.).

The Mineral Resources Report also provided substantial evidence that mining in the area of the proposed project would result in air and traffic impacts (Id.). To that end, housing developments that exist in the immediate area would be sensitive to the type of impact a mining operation on the project site would represent, as mining generates diesel-associated particulates typical to the industry as well as significant truck traffic (Id.). Heavy truck traffic already exists along Riverside Avenue and other arterial roadways from the normal business conduct of the Cemex USA facility, which has operated in the Lytle Creek area for over 50 years. An additional mining facility in this area would cause even greater impacts to the existing housing developments within the general area of the project (Id.).

There is no evidence of historic mining operations on the project site (p.. 4.3-116). The resources impacted by the project are not permitted resources and any application for a permit to mine would require extensive processes and appear very unlikely to obtain approval. (Appendix III-B, p. 12). Available resources in the SBPC Region, however, more than meet the needed aggregate supply that the State of California has determined for its 50-year demand (Id.).

Comment I-11-10

Impacts that restrain the ability to properly mine these resources will potentially result in delays and added costs to the LCRSP. The California Department of Conservation reports that, "as a construction material,

sand and gravel is a key component in products such as Portland cement concrete, asphaltic concrete (blacktop), railroad ballast, stucco, road base, and fill. Aggregate normally provides from 80 to 100 percent of the material volume in these products. Portland cement concrete, in turn, is also used in a number of building materials such as concrete blocks and pipes, foundation pilings, precast concrete beams, and tilt-up concrete walls. In total, aggregate as a basic construction material has important economic multiplier effects. The availability of aggregate is essential, for example, to the construction industry. Developers, building and highway contractors, cement manufacturers, asphalt producers, construction workers, and truck drivers are dependent, either directly or indirectly, on a ready supply of aggregate. Therefore, the availability of aggregate deposits and their proximity to markets are critical factors in the strength of the economy."

Response I-11-10 This comment is acknowledged.

Comment I-11-11 The City and the County General Plans and Development Codes both support the beneficial extraction of mineral resources and the LCRSP threatens that and its economic benefits. The City Municipal Code 18.76.170 (Mineral Resource Protection) states: "Mine development is encouraged in compatible areas before encroachment of conflicting uses. Land use decisions within the City will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation of property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts." Therefore, this specific plan appears to be inconsistent with Rialto's own municipal code.

Response I-11-11 Contrary to the commentor's assertion, the project is not inconsistent with the City Municipal Code. As noted in Response No. I-10-11, the project site is located within the SBPC Region. The 1,098 square mile SBPC Region includes a total of 116 square miles of land area containing significant aggregate deposits and classified as MRZ-2. With regards to project-related impacts on mineral resources, the implementation of the LCRSP will impact about 0.4 percent of the 10.5 billion short tons of aggregate in the SBPC Region. As the DEIR concluded, from "a land-use perspective, aggregate resource impacts will be generally limited to the project site and the project's development is not anticipated to affect either [of the] active mining activities located in close proximity to the LCRSP area or the continuing recovery of aggregate resources from those permitted mines. From a land-use perspective, the project would, therefore, be consistent with Section 18.76.010 (Purpose and Intent) and Section 18.76.170 (Mineral Resource Protection) of the City Municipal

Code" (p. 4.1-164). See also Response No. I-10-11 regarding the difficulty of and constraints on potential future mining at the project site.

Not only is the project not inconsistent with the City Municipal Code but implementation of the project would satisfy key housing goals in the City and the region. The DEIR projects that during project build-out (from 2010 to 2030), the population of the City will increase by 28,996 individuals and the population of the County will increase by 775,704 individuals (p. 4.2-52). This corresponds to a projection of 10,121 new households in the City and 277,327 new households in the County (p. 4.2-53). The proposed LCRSP would authorize the development of up to 8,407 dwelling units in the City, which could add up to 32,720 residents to the site. Accordingly, the project would provide housing for a region projected to undergo noteworthy growth over the next 20 years. The project is consistent with key policies in the City's Housing Element, including the provision of "adequate residential sites through appropriate land use, zoning, and specific plan designations" (p. 4.1-144 [citing City Housing Element, Policy No. 2.0]). Moreover, the housing supply that would be provided by the project would satisfy key objectives of both the Lead Agency and the Applicant, including to "[r]espond to local and regional needs for additional housing opportunities in response to anticipated areawide population growth" (p. age 2-11 [citing Lead Agency Project Objective LA-4]), as well as to "[a]ddress the City's current and projected housing needs for all segments of the community by providing a range of family-oriented single-and multi-family residences, as well as an active-adult golf course community" (p. 2-12 [citing Applicant Project Objective A-9]).

Comment I-11-12

County Actions Required. If the LCRSP is approved as described, the County would be looking at a number of subsequent actions and some of these are acknowledged in the EIR. "As proposed, the LCRSP project will necessitate revisions to the City General Plan and County General Plan, as well as concurrent revisions to the City Municipal Code and County Development Code. In lieu of those changes and revisions as may be required for the adoption and implementation of the proposed project, development of the project site (inclusive of both those areas now located in the City and those areas located in County unincorporated areas) could proceed based on the land-use and development policies currently contained in those planning and regulatory documents. In the absence of the requested general plan and municipal code amendments, the nature and intensity of development within the project boundaries would differ from that now proposed. Based on existing land-use policies, development activities could nonetheless proceed over a substantial portion of the project site. (DEIR, Executive Summary, page 15). In addition, the LCRSP would necessitate the amendment of the Glen Helen Specific Plan, the Glen Helen Resource Management Plan, its EIR, and the Lytle Creek North Specific Plan and its EIR. The County does not expect to bear these costs for a developer, nor do we assume that any such proposed amendments would be approved by the County Board of Supervisors. Also, these actions would each require their own

environmental review and quite likely an EIR would be the most appropriate environmental document to be prepared. Again, the time and funds needed to complete these actions are not something the County offers to undertake or provide.

Response I-11-12 See Response Nos. I-11-2, I-11-3, and I-11-4.

Comment I-11-13 Other department/agencies within the County have received the Notice of Availability of the DEIR for the LCRSP and will be responding to you under separate correspondence.

Response I-11-13 This comment is acknowledged.

Comment I-11-14 Thank you for considering our comments. If you have any questions or require any information, please contact me at (909) 387-4147.

Response I-11-14 This comment is acknowledged.

Letter No. I-12
Kathleen Rollings-McDonald, Executive Officer
Local Agency Formation Commission
215 North "D" Street, Suite 204
San Bernardino, California 92415-0490

Comment I-12-1 The Local Agency Formation Commission (LAFCO) received a copy of the Notice of Completion (NOC) for the draft Environmental Impact Report (EIR) for the Lytle Creek Ranch Specific Plan on March 4, 2010. A copy of this document has also been forwarded to the Commission's Environmental Consultant, Tom Dodson and Associates, who may respond under separate cover. After reviewing the document, LAFCO has the following comments and/or concerns.

Response I-12-1 This comment is acknowledged.

Comment I-12-2 Executive Summary. Project Description. It is the LAFCO position that the Project Description should clearly identify the total area of the project that is within the City and the portion that is currently unincorporated. The breakdown of acreage between City and County should also be clearly identified in the table on page 2 (Table ES-1) as well as in the discussions of the Neighborhoods following the table, noting that portions of Neighborhoods 2 and 3 are already in the City. Therefore, only portions of these two neighborhoods and all of Neighborhood I and 4 will require annexation to the City to entitle the project. Likewise it should also be noted that Neighborhood 1 is already within the West Valley Water District (District) and portions of Neighborhoods 2 and 3 are also located within the boundaries of the District.

Response I-12-2 As the comment correctly notes, the project site is currently under the jurisdiction of the County and the City. The information requested in this comment – the breakdown of acreage between the City and County – is

set forth in the DEIR (p. 2-1). "Approximately 694.2 acres of the area located with the proposed LCRSP is currently within the corporate boundaries of the City and the remaining approximately 1,753.1 acres is currently located in unincorporated San Bernardino County, under the jurisdiction of the County, but within the City's adopted Sphere of Influence (SOI)." The DEIR (Figures 4.1-4 and 4.1-5) depict the City's SOI. The DEIR (DEIR, Figure 2-23) and LCRSP (LCRSP, Figure 1-3) depict those areas of the project site that are currently within the City and those areas currently within the County that are proposed to be annexed to the City. As illustrated in the LCRSP (Figure), portions of Neighborhoods II and III are already in the City. Only those areas currently in the County are being considered for annexation to the City. The entirety of Neighborhoods I and IV are currently within the County and will be annexed to the City. Additional information regarding the total area currently within the County and currently within the City broken down by each Neighborhood is included below. This information will be added to both the Executive Summary and to Section 4.1.5.5 (Annexation) in Section 4.1 (Land Use and Planning) of the DEIR.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-195) has been revised to include an acreage calculation of the approximate acreage, within each Neighborhood, presently located within County unincorporated areas.

> As illustrated in Figure 2-22 (Lytle Creek Ranch Specific Plan – Conceptual Annexation Plan) and Table 4.1-9 (Estimated Acreage by Neighborhood Proposed to be Annexed into the City of Rialto), proposed is the annexation of that approximately 1,753.1-acre portion of the project site presently located in unincorporated County jurisdiction into the City. All lands proposed for annexation are located in the City-adopted and LAFCO-approved northern Sphere of Influence. An approximately 1,753.1-acre portion of the project site is presently under the jurisdiction of the County. The Applicant proposes to record an "A" level subdivision map encompassing the proposed LCRSP. That subdivision would be subject to applicable provisions of the Subdivision Map Act. As indicated in Section 66454 therein: "Any subdivider may file with a city the tentative map of a proposed subdivision of unincorporated territory adjacent to such city. The map, in the discretion of the city, may be acted upon in the manner provided in Article 2 (commencing with Section 66452) of this chapter, except that if it is approved, such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the city, and such approval shall not be effective until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof, then the approval

of such map by such adjacent city shall be null and void. No subdivision of unincorporated territory may be effected by approval of a map by a city unless annexation thereof to the city is completed prior to the approval of the final map thereof."

Table 4.1-9
ESTIMATED ACREAGE BY NEIGHBORHOOD
PROPOSED TO BE ANNEXED
INTO THE CITY OF RIALTO

Neighborhood	Total Acreage (acres)	Acreage within City Boundaries (acres)	Acreage within Unincorporated County (acres)
I	417.2	-	417.2
II	801.8	273.1	528.7
III	968.8	421.1	547.7
IV	259.5	-	259.5
Total	2,447.3	694.2	1,753.1

Source: Lytle Development Joint Venture III

The comment is correct in noting that portions of the project site are already within the jurisdiction of the WVWD and the proposed annexation to include the remainder of the project site within the District only affects certain portions of the project site which are currently outside of the District's boundaries. As discussed in the DEIR, the application to LAFCO will include annexation of portions of the project site to the WVWD (pp. 4.1-195 and 4.10-40). Figure 4.10-4 (p. 4.10-43) depicts the WVWD boundaries and Sphere of Influence and Figure 4.10-5 depicts that portion of the project site that will be annexed to the District. The DEIR refers to "Figure 4.10-3 (West Valley Water District Annexation Area)" (p. 4.1-195). This reference has been corrected to read "Figure 4.10-5 (West Valley Water District Annexation Area)."

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-195) has been modified to correct an incorrect reference to an existing figure included in Section 4.10 (Utilities and Service Systems).

> As illustrated in Figure 4.10-~~3~~5 (West Valley Water District Annexation Area), proposed is the annexation of that portion of the project site which is not presently within the WVWD service area. The proposed project also includes annexation and/or detachment of project lands into or from existing County districts and service area and associated reorganization of existing governmental services, including, but not limited to, reorganization of existing CSA 70-GH and detachment from the San Bernardino County Fire Protection District and its Valley Service Zone. Because those changes are not anticipated to generate any

potentially significant land-use impacts, those actions are not further addressed herein.

Comment I-12-3 Discretionary Permits and Approvals. In the description of approval and permits, Item (2) indicates an amendment to "the LAFCO and City-approved sphere of influence." There is no sphere of influence amendment anticipated for the project and the annexation of territory to the City does not amend the overall existing sphere determined by LAFCO. It will simply change the portion of the sphere which is unincorporated. In addition, there is no "city approved" sphere designation; a sphere of influence is solely a determination of LAFCO. This should be removed.

Response I-12-3 The comment accurately characterizes the effect of the proposed annexation on the Sphere of Influence. As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (Executive Summary, p. 5) has been revised to more accurately describe the discretionary actions associated with the project.

> Permits and approval associated with the proposed project include, but may not be limited to: (1) amendments to the "City of Rialto General Plan" (City General Plan), including its Land Use Element, Circulation Element, Open Space Element; (2) ~~amendments to the San Bernardino Local Agency Formation Commission (LAFCO) approved and City-adopted Sphere of influence; (3)~~ amendments to the City's Official Land Use Zoning Map; (43) text and map revisions to the "City of Rialto Municipal Code" (City Municipal Code); (54) adoption by ordinance of the "Lytle Creek Ranch Specific Plan"; (65) approval of vesting and non-vesting tentative subdivision maps, street and utility easements, and other subdivision activities, including an "A" level map for financing purposes only; (76) approval of a pre-annexation development agreement with the Applicant that will become a development agreement pursuant to Section 65864 et seq. of the CGC upon annexation of the project site to the City; and (87) changes of organization and reorganizations, including, but not limited to, annexation or phased annexation of those portions of the LCRSP area currently in the County to the City, annexation and/or detachment of project lands into or from existing County districts and service area, and associated reorganization of existing governmental services, including reorganization of existing County Service Area 70-GH, which is an improvement zone of the parent County Service Area, ~~and Improvement District GH (CSA 70-GH),~~ detachment from the San Bernardino County Fire Protection District and its Valley Service Zone, approval of out-of-service-area agreements for certain

public services, and annexation of portions of the project site into the WVWD.

Comment I-12-4 As a note, the service provider CSA 70 GH is an improvement zone of the parent County Service Area, not an improvement district. CSA law identifies this subdivision differently than other special districts.

Response I-12-4 The project includes detachment of Neighborhood I from CSA 70-GH pursuant to California Government Code Section 25210.3(b) of the CGC. As presented in Response No. I-12-3 and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (Executive Summary, p. 5) has been revised to more accurately describe the discretionary actions associated with the project.

Comment I-12-5 An additional permit or approval that will be required as identified further in the report is the out-of-agency contract anticipated for, at a minimum, sewer service to Neighborhood I. The document identifies the transportation of sewerage for treatment at the "Lytle Creek North Wastewater Recycling Plant" which is utilized for service to the adjoining LCNPD (Tract 15900). Since CSA 70 and CSA 70 Improvement Zone GH will be detached from this area, a contract for continuing service between the agencies will be required. In addition, if the alternative for contracting with the San Bernardino County Fire Protection District and its Valley Service Zone is the chosen, this too will require an out-of-service contract through detachment of those entities.

Response I-12-5 The commentor is correct in noting the need for out-of-service-area agreements for certain service. The Applicant will be required to enter into contracts for continuing service to ensure that sewer and fire services will be provided to areas within Neighborhood I. As presented in Response No. I-12-3 and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (Executive Summary, p. 5) has been revised to more accurately describe the discretionary actions associated with the project.

Comment I-12-6 Areas of Controversy (Annexation of Non-Contiguous Territory (p. 19-21). It should be noted that the City is pre-zoning the areas that are proposed to be annexed into the City through its adoption of the proposed Lytle Creek Ranch Specific Plan. The information provided in the EIR indicates that the exclusion areas that were identified by LAFCO are not being included as part of the EIR and no land use designations have been identified for these areas. However, as identified in the Notice of Preparation comments made by LAFCO staff, the addition of the exclusion areas that separates Neighborhood from Neighborhood 3 (I-15 Freeway right-of-way) is required in order for it to be contiguous with the City's boundaries. Likewise, the addition of the exclusion areas that separates Neighborhood 1 from Neighborhood 4 (Sycamore Creek Drive right-of-way) is also required in order for it to be contiguous. Absent contiguity, the City's annexation cannot take place. Non-contiguous City

annexation can only take place if the non-contiguous territory is owned by the city and used for municipal purposes.

Response I-12-6

The comment is correct that these areas are not proposed for annexation; however, a discussion of each of these excluded areas was included in the DEIR and an analysis of the effect of exclusion from the annexation application was set forth therein (pp. 4.1-195 through 4.1-200), the areas depicted (Figure 4.1-32), and Mitigation Measure 1-12 recommended to require resolution of this annexation issue prior to recordation of any subdivision map affecting these Neighborhoods (see p. 4.1-204). The area between Neighborhoods III and IV, as noted in the comment, is the I-15 Freeway right-of-way which is owned by Caltrans. The area between Neighborhood I and IV is also owned by Caltrans. The Applicant and the City will consult with LAFCO with respect to the annexation application and the inclusion of these properties in the application. In the event these properties are included in the annexation application, the DEIR noted that as these exclusion areas "are comprised of highly disturbed lands primarily consisting of existing road pavement, the inclusion of those lands into the project area would not be expected to result in the introduction of any new significant environmental impacts, and/or increase the severity of those existing environmental effects identified herein" (p. 4.1-199).

Comment I-12-7

In addition, the exclusion of the West Valley Water District parcels from the City annexation (one along Lytle Creek Road and the other just north of the El Ranch Verde golf course) will create totally surrounded unincorporated islands. Likewise, the exclusion of the County-owned parcels and the I-15 Freeway right-of-way area in Neighborhood 1 creates a peninsula of unincorporated land which qualifies as a substantially surrounded island. The creation of totally surrounded islands and/or substantially surrounded islands are generally not supported by the Commission since this causes issues related to service delivery.

Response I-12-7

The concerns expressed by LAFCO in the comment are acknowledged. Each of the areas identified by the comment is addressed as follows.

There are two WVWD properties that are currently not proposed for annexation. One of the properties lies adjacent to Lytle Creek Road in Neighborhood IV and contains water district facilities (reservoirs) (See DEIR Figure 2-19 [4 of 4] showing the location of existing Zone 8 reservoirs on this parcel). This property is currently under County jurisdiction and although upon annexation of Neighborhood IV to the City, it will be a peninsula, it is contiguous to and abuts other unincorporated areas in the County which are currently serviced by the County. Allowing it to remain in the County will not alter the existing conditions or service demands currently handled by the County. The second WVWD property lies within the proposed golf course area in Neighborhood II. This property is currently within the County and also contains water district facilities (see DEIR Figure 2-19 [2 of 4] showing existing Zone 4 reservoir

on this parcel). No additional utility lines or public services are required to connect to this parcel and it will not require any public services to be provided by the City. Allowing this parcel to remain within the County will not alter the existing conditions or service demands handled by the County. The Applicant and the City will consult with LAFCO with respect to the annexation application. In the event either or both of these WVWD properties are required to be included in the annexation application, these areas are fully developed with water supply facilities and the inclusion of these areas would not be expected to result in the introduction of any new significant environmental impacts and/or increase the severity of those existing environmental effects identified in the DEIR.

The other area described in the comment, adjacent to PAs 4, 5, 6, and 10 in Neighborhood I were addressed in the DEIR (pp. 4.1-196 through 4.1-197). The majority of this area consists of the I-15 Freeway and right-of-way and is surrounded by areas proposed for open space. Similar to the areas discussed in Response No. I-12-6, the Applicant and the City will consult with LAFCO with respect to the annexation application and the inclusion of these properties in the application. In the event this property is included in the annexation application, the DEIR noted that as these exclusion areas "are comprised of highly disturbed lands primarily consisting of existing road pavement, the inclusion of those lands into the project area would not be expected to result in the introduction of any new significant environmental impacts, and/or increase the severity of those existing environmental effects identified herein" (p. 4.1-199).

Comment I-12-8 We include these comments to be sure that it is understood that the City will have to undertake subsequent action to pre-zone these areas separately in order for the annexation to take place. Such pre-zoning will require the City, as Lead Agency under CEQA, to prepare a separate environmental assessment (or an addendum) for the areas that are being pre-zoned outside of the scope identified in overall Specific Plan.

Response I-12-8 The City acknowledges this comment. As noted in Response Nos. I-12-6 and I-12-7, these areas are owned by Caltrans are consist primarily of the I-15 Freeway or road rights-of-way and any zoning of this area would maintain the existing uses. No change of land use would be anticipated.

Comment I-12-9 Annexation to West Valley Water District. Only a portion of the entire project area will be annexed into the District. It would be helpful if a map of the District showing the area(s) proposed to be annexed was included toward the beginning of the document. The reference made in the document for the West Valley Water District Annexation Area, (Figure 4.3-10) as cited on page 4.1-194, as shown on Figure 4.10-4 on page 4.10-41, and other locations, are inaccurate and should be corrected in the final document.

Response I-12-9 The WVWD annexation discussion is on page 4.1-195 of the DEIR and the reference to Figure 4.10-3 – not Figure 4.3-10 as cited in the comment – is also on that page. The application to LAFCO will also

include annexation of portions of the project site to the WVWD (see pp. 4.1-195 and 4.10-40; Figure 4.10-4 depicts the WVWD boundaries and Sphere of Influence, and Figure 4.10-5 depicts that portion of the project site that will be annexed to the WVWD). As noted in the comment, the DEIR text refers to "Figure 4.10-3 (West Valley Annexation Area)" (p. 4.1-195). This reference has been corrected to read "Figure 4.10-5 (West Valley Water District Annexation Area)." The suggestion to include this figure earlier in the document will be considered by the Lead Agency.

As presented in Response No. I-12-2 and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-195) has been revised to correct a incorrect reference to an existing figure included in Section 4.10 (Utilities and Service Systems).

Comment I-12-10

Sewer Service from County Service Area 70 GH for Neighborhood 1. As noted above, the project as described will require an out-of-agency service agreement with CSA 70 Zone GH for wastewater treatment and disposal. However, in addition to sewer service, CSA 70 GH also provides water, park and recreation (which includes trails), streetlights, and storm drain service (levees and detention basins). It is LAFCO staff's opinion that since Neighborhood I will be detached from this agency, the effect on provision of these other services should also be evaluated in the EIR.

Response I-12-10

The following summarizes the various services provided by CSA 70-GH identified in the comment and how those services will be addressed upon annexation of Neighborhood I to the City. Water service to Neighborhood I will be provided by the WVWD. The DEIR (p. 4.10-23) states that the project site is located within WVWD's service area boundary and that the Sycamore Canyon and Sycamore Flat areas (i.e., Neighborhood I) are already within the WVWD service area and do not need to be annexed into the WVWD service area. Park and recreation facilities and streetlights will be maintained by the City upon annexation or another entity approved by the City pursuant to the Open Space provisions of the LCRSP (LCRSP, p. 3-23) (see also DEIR, p. 2-43). The storm drains proposed within Neighborhood I will also be owned and maintained by the City upon annexation, however, an out-of-service-area agreement may be needed to allow the City storm drains to discharge into County facilities. If needed, the City and County will enter into an agreement to ensure coordination of their storm drain facilities. The storm drains will be constructed in street sections that will be dedicated to the City in areas proposed to be annexed to the City.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, with regards to the description of the storm drains, the DEIR (p. 2-57) has been revised to correct a incorrect reference to the streets as County streets in Section 2.0 (Project Description).

> The proposed Neighborhood I concept-level storm drain and water quality system improvements and configuration for PAs 1-5 are shown in Figure 2-17 (Lytle Creek Ranch Specific Plan – Conceptual Master Drainage Plan). As illustrated, the proposed on-site storm drain pipes will range in size from 18-81 inches in diameter. The proposed storm drains will be constructed in the public ROW, within the street section of streets that will be within the area to be annexed to the City and dedicated to the City ~~County~~. The storm drains will, therefore, be designed and constructed to meet the City's ~~County's~~ minimum standards for performance, materials, and workmanship.

Comment I-12-11 Page 2-52 identifies that for Neighborhood 1, the drainage system is anticipated to connect into facilities designed by, to be built by, and maintained by CSA 70 Zone GH. No mention is made regarding addressing agreements for joint service in this area. Depending upon the type of agreement it may require a discretionary review and approval by the Commission.

Response I-12-11 See Response No. I-12-10. The need for out-of-service-area agreements has been added to the list of "Project Permits and Approvals" (Executive Summary, p. 5). See Response No. I-12-3.

Comment I-12-12 In Section 4.10 there are no conceptual plans provided for sewering Neighborhood 1 through there are conceptual plans provided for Neighborhoods II through IV (Figure 4.10-6). The conceptual system for serving Neighborhood I should be identified.

Response I-12-12 The project's conceptual sewer master plan for Neighborhood I was included in Figure 2-21 (2 of 4) in the DEIR (p. 2-91). The figure depicting the conceptual sewer system node map for Neighborhood I was, however, inadvertently omitted from Section 4.10 (Utilities and Service Systems) in the DEIR (Figure 4.10-6, p. 4.10-61). As indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the three maps comprising Figure 4.10-6 (Lytle Creek Ranch Specific Plan – Conceptual Sewer System Node Map) have been augmented to include a fourth exhibit depicting Neighborhood I and the reference to three plates in that exhibit has been revised to reference a total of four plates.

Although not included in Figure 4.10-6, the conceptual sewer master plan for Neighborhood I was presented in Figure 2-21 (p. 2-8) in the DEIR.

Comment I-12-13 San Bernardino County Fire Protection District (SBCFPD) and its Valley Service Zone. The reference beginning on page 4.9-47 comingles fire facilities which are proposed or operated under the SBCFPD with those proposed or operated by the Fontana Fire Protection District (FFPD). Through this portion of the document it should be clear that "Central Valley" no longer exists as an agency. While FFPD has chosen to provide its services through a contract with SBCFPD, that does not mean

their facilities are those of the County. LAFCO understands that this may be confusing, but to be precise as to responsibility for operation, maintenance and funding it is important to be clear on this issue.

Response I-12-13 As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.9-49) has been revised to include the following additional clarifying information regarding the Fontana Fire Protection District in Section 4.9 (Public Services and Recreation).

> As of July 1, 2008, the Fontana Fire Protection District, a subsidiary district of the City of Fontana, was established. The services that were previously provided by the Central Valley Fire Protection District are now provided by the FFPD. The FFPD's service area boundaries includes the City of Fontana's corporate limits and the County unincorporated areas within the City of Fontana's Sphere of Influence, totaling approximately 52.3 square miles. The FFPD was established to maintain existing levels of fire and emergency response services and to contracts with the San Bernardino County Fire Protection District for the provision of those services.

Comment I-12-14 On page 4.9-48 the document discusses the future Station 81 identifying a location on an exhibit to the Lytle Creek North Planned Development Master Plan [LCNPDMP], but no exhibit in this document shows the location. It is LAFCO staff's understanding that the location of this facility is anticipated on lands now proposed for annexation to the City of Rialto and removed from SBCFPD, CSA 70 GH and the LCNPDMP which as a mitigation measure required the facility and it's funding for operation and maintenance. At this juncture, suffice it to say LAFCO staff will be required to review the service impact to the remaining area as a part of our review.

Response I-12-14 As described in the LCRSP, "a new County fire station is planned as part of the adjacent Rosena Ranch community. The new fire station. . .will be operated by San Bernardino County. This fire station will be sited on a parcel of land situated between Planning Areas 14 and 15." (LCRSP, p. 3-105). This area which is shown on Figure 2-6 (Conceptual Land Use Plan) (p. 2-30) between PAs 14 and 15 is proposed for annexation to the City (see annexation area in Figure 2-23). Because this station will be a County-owned station that will be located in the City, to address the joint jurisdiction, an out-of-service-area agreement will be required to address the joint agency services. See Response No. I-12-4.

On April 19, 2005, the County approved a fair-share contribution agreement between Lytle Development Company and CSA 70, Improvement Zone GH and the San Bernardino County Consolidated Fire District for funding and construction of this fire station on this location which was identified as Lot 2 of Tract No. 15900.

Comment I-12-15 Also on page 4.9-88 the document discusses the four options for providing fire protection and emergency medical response, which from a governance perspective is unclear. For Option 2, it appears that this would allow for full annexation of territory to the City, but detachment from SBCFPD and its Valley Service Zone would be limited to the area south of the I-15 Freeway. Or is it the determination of this option that the City would contract with the SBCFPD for continuing service. If this is the case, then no reimbursement would be required for Neighborhood I and IV as they would be retained in the SBCFPD. Option 3 would not be practical, in the LAFCO staff opinion, since it would not annex Neighborhood I and IV into the City; therefore, the land use plan would not be entitled. These responses illustrate this confusion in reviewing this discussion in the EIR document. We believe that this should be clarified and explained in greater detail.

Response I-12-15 Subsequent to publication of the DEIR, the Applicant, SBCFPD, and City have discussed how fire services would be provided to Neighborhoods I and IV and have determined that Option 2 is the preferred option for the delivery of fire services. As discussed in Response No. I-12-14, a new fire station is proposed to be located between PAs 14 and 15 in Neighborhood I. The fire station will be owned and operated by SBCFPD as County Fire Station No. 81. The area, however, will be annexed to the City. The City and County would enter into an out-of-service-area agreement to address the provision of fire services by the County to areas under City jurisdiction. The City agrees with the comment that Option 3 is not practical. The out-of-service-area agreement would eliminate the need for the pay per call plan under Option 4, and would allow SBCFPD to provide services instead of the City, thus eliminating the need to pursue Option 1.

Comment I-12-16 If you have any questions concerning the information outlined above, please no not hesitate to contact me or Samuel Martinez, Senior LAFCO Analyst, at (909) 383-9900. Please maintain LAFCO on your distribution list to receive further information related to this project. We look forward to working with the City on its future processing of this project.

Response I-12-16 This comment is acknowledged.

Letter No. I-13
Susan Nakamura, Planning and Rules Manager
South Coast Air Quality Management District
Planning, Rule Development & Area Sources
21865 Copley Drive
Diamond Bar, California 91765-4182

Comment I-13-1 The South Coast Air Quality Management District (AQMD) 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.

Response I-13-1 This comment is acknowledged.

Comment I-13-2 AQMD staff is concerned that the lead agency is considering creating potentially incompatible land uses but has not adequately disclosed to the public the air quality impacts and health risks in the Draft EIR. Further, there is no commitment to perform additional air quality analysis pursuant to CEQA for projects contained within the LCRSP. Hence, it is the AQMD staff's understanding that the proposed overlay uses and the air quality impacts on residences and other sensitive receptors could be waived at the discretion of the lead agency and ultimately, not performed. The potential land uses in the proposed overlay may have serious air quality and health impacts depending on how they are designed and their proximity to sensitive receptors. The AQMD's staff strongly cautions the lead agency on siting toxic emitting industrial sources such as metal plating facilities, warehouses, and distribution centers in close proximity to residents and other sensitive receptors.

Response I-13-2 Comment No. I-13-2 expresses concern that overlay uses could cause air quality and health risk impacts to sensitive receptors that are not fully disclosed by the DEIR. The DEIR included the "General Warehousing Overlay" (GW Overlay) and "Village Center Commercial Overlay" (VC Overlay) for informational purposes only to describe hypothetical, but still highly speculative, future development scenarios. The DEIR was not intended to provide the full environmental review under CEQA that would be necessary for the GW Overlay or the VC Overlay. Analysis of potential air quality impacts and health risks may be required for future development. The Applicant has concluded that to avoid any potential confusion that could arise from the DEIR's informational discussion concerning the GW Overlay and VC Overlay, the Applicant would like to remove the discussion of the GW Overlay and the VC Overlay from the LCRSP to make it clear that these speculative uses are not part of the current project or the current CEQA review. Accordingly, because the GW Overlay and VC Overlay have been removed from the LCRSP by the Applicant, the CEQA analysis has been revised to remove all references to the GW Overlay and VC Overlay. If such speculative uses are proposed at a later date, the Lead Agency would evaluate environmental impacts (including potential air quality and health risk impacts) at that time in accordance with CEQA.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 3) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in the Executive Summary.

- **Neighborhood I.** Neighborhood I will contain approximately 417.2 acres. A portion of this neighborhood, commonly referred to as "Sycamore Creek East" (Sycamore Flat) and "Sycamore Creek West" (Sycamore Canyon), is located within but extracted from the boundaries of the 3,400-acre

County-approved "Glen Helen Specific Plan" (GHSP). The remaining land includes acreage located within but extracted from the boundaries of County-approved "Lytle Creek North Planned Development Project" (LCNPD or Tract 15900), currently being marketed as Rosena Ranch. Once approved, the LCRSP will supersede portions of the County-approved GHSP and LCNPD. As proposed, those planning areas (PAs) which will be removed from those County-approved plans include, but may not be limited to: (1) PAs 1-15, as illustrated in the proposed LCRSP; and (2) PAs 1-7, 14, and a portion of PA 13, as illustrated in the approved LCNPD. In addition to open space, the primary land use in Neighborhood I is single-family residential. ~~A portion of Neighborhood I contains a "General Warehousing Overlay" (GW Overlay). In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.~~

- **Neighborhood II**. Neighborhood II is planned as a gated, active-adult community on approximately 801.8 acres and will include the entire 221-acre City-approved "El Rancho Verde Specific Plan" (ERVSP) area and the El Rancho Verde Royal Vista Golf Course. If approved, the land-use and related plans and policies presented in the LCRSP will supersede those contained in the ERVSP. Areas to be removed from the adopted ERVSP include a portion of PA 95 and all of PAs 96-103 of the proposed LCRSP. In addition to open space, the primary land uses in this neighborhood are single-family residential, multi-family residential, and commercial. Portions of Neighborhood II contain a "Single Family Residential Overlay" (SFR Overlay)~~,~~ and "High Density Residential Overlay" (HDR Overlay)~~, and "Village Center Commercial Overlay" (VC Overlay)~~.

- **Neighborhood III**. Neighborhood III is located south of the I-15 Freeway and will primarily include a mix of single-family and multi-family residential uses, school sites, and commercial development on approximately 968.8 acres. Portions of Neighborhood III contain a ~~GW Overlay, SRF~~ SFR Overlay, HDR Overlay~~, VC Overlay~~, and Park Overlay. In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.

- **Neighborhood IV**. Neighborhood IV will consist primarily of multi-family residential and commercial development on 259.5 acres located north of the I-15 Freeway. ~~A portion of Neighborhood IV contains a GW Overlay. In lieu of the underlying land use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.~~

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 25) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in the Executive Summary.

◊ **"Industrial," "manufacturing," and "heavy commercial" uses**. As authorized under the proposed LCRSP, certain types of "industrial," "manufacturing," and "heavy commercial" uses would be permitted or conditionally permitted within the "Village Center Commercial (VC)" zoning district~~and/or "General Warehousing Overlay."~~ The terms "industrial," "manufacturing," and "heavy commercial" are not, however, specifically defined in either the City Municipal Code or the proposed LCRSP, other than through a listing of those permitted, conditionally permitted, or prohibited uses. Any short listing of select land uses cannot, however, be construed as being inclusive of all uses that could potentially be so categorized.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 26-27) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in the Executive Summary.

~~As proposed, a "General Warehousing Overlay" (GW Overlay) has been superimposed on a number of underlying planning areas (PAs 3, 4, 11, 13, 15, 20, and 78). The GW Overlay allows for general warehousing, distribution center, storage and self-storage, light industrial, manufacturing, heavy commercial, and other similar types of uses. As proposed, other than the total 849,420 square feet of non-residential development authorized under the proposed LCRSP (excluding institutional, educational, recreational, and infrastructure-related uses), no limitations are presently established with regards to: (1) the total maximum on-site square footage of allowable general warehousing, distribution center, storage and self-storage, light industrial, manufacturing, and heavy commercial uses that could be developed on the project site; (2) the total~~

~~maximum on-site square footage of allowable office and business park, and other similar uses; and/or (3) the total minimum on-site square footage of required general and specialty commercial and other similar neighborhood-serving uses that would need to be developed on the project site.~~

~~For every square foot of warehousing, distribution center, storage and self storage, light industrial, manufacturing, heavy commercial, office, business park uses, and other similar uses developed on the project site, one less square foot of general and specialty commercial, and other similar neighborhood-serving uses could then be developed thereupon under the authority of this EIR.~~

~~Although office and business park may be less problematic because they increases employment opportunities for near-site residents and would not be expected to be of size that would monopoly the prospects for the retention of other non-residential land uses, nothing in the proposed LCRSP would preclude the entire 849,420 square feet of allowable non-residential uses (excluding institutional, educational, recreational, and infrastructure-related uses) from being developed as general warehousing, distribution center, light industrial, manufacturing, and heavy commercial uses. Should the supply of on-site and near-site general commercial and service-oriented uses fall substantially below the projected on-site demand for those same uses, project residents would then logically need to travel greater distances (to off-site alternatives) for those same commodities and services. Similarly, with the conversion from a retail-based to a warehousing-type land use, the nature of use-generated traffic, including the types and numbers of vehicles and the travel distances of those vehicles would be expected to change.~~

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 28-29) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in the Executive Summary.

> Similarly, subject to the limitations specified in the proposed LCRSP, dwelling units and non-residential (e.g., general and specialty commercial, office, business park, warehousing, distribution center, storage and self storage, light industrial, and manufacturing, heavy commercial, and other similar permitted and conditionally permitted uses) square footage could be transferred within and between any planning area in Neighborhoods I and IV provided that the total number of projected AM plus PM daily vehicle

trips for Neighborhoods I and IV combined do not exceed 3,853 projected trips. In addition, any transference between neighborhoods and PAs would need to conform to the following additional standards: (1) dwelling units may be transferred between any residentially-designed planning areas in Neighborhoods I and IV; (2) dwelling units may be transferred between any residentially-designated planning areas and any planning area with a "Single-Family Residential Overlay" and/or "High Density Residential Overlay" in Neighborhoods I and IV; and (3) square footage may be transferred between any "Village Center Commercial (VC)" district in Neighborhoods I and IV.~~; and (4) square footage may be transferred between any "Village Center Commercial (VC)" district in Neighborhoods I and IV and any planning area in Neighborhoods I and IV with a Village Center Commercial Overlay" or "General Warehousing Overlay."~~

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 29) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in the Executive Summary.

◊ Forfeiture of underlying land uses. As indicated in the proposed LCRSP, the following overlay districts would be created, "Single Family Residential Overlay" (SFR~~SRF~~ Overlay), "High Density Residential Overlay" (HDR Overlay), ~~"Village Center Commercial Overlay" (VC Overlay), "General Warehousing Overlay" (GW Overlay),~~ and "Park Overlay" (PA 72 only).[28] In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be developed in those planning areas possessing an overlay designation. From an environmental perspective, with the possible exception of the proposed recreational opportunities identified as an underlying (not overtopping) land use, the resulting land-use changes can be addressed through the imposition of those mitigation measures identified herein.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 2-26 through 2-27) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 2.0 (Project Description).

~~Village Center Commercial Overlay~~

~~In lieu of the underlying land-use designation, a "Village Center Commercial Overlay" (VC Overlay) designation is proposed on an approximately 13.0-acre portion of~~

~~Neighborhood II (PA 92) and an approximately 75.9-acre portion of Neighborhood III (PAs 30-31, 35-42). Planning areas with a VC Overlay designation would allow for the development of retail and other commercial uses, including shopping centers, freestanding retail and commercial buildings, and office uses, if the underlying uses are not implemented. The development standards presented in Table 2-4 (Lytle Creek Ranch Specific Plan – Village Center Commercial and General Warehouse Standards) shall apply to areas being developed under the VC Overlay.~~

~~With the exception of PAs 37 and 40, which are designated "Open Space/Recreational (OS/R), the underlying land use designation for these planning areas is higher density residential, including "Single-Family Residential 2 (SRF-2)," "Single-Family Residential 3 (SFR-3)," "Multi-Family Residential (MFR)," and "High Density Residential (HDR)." A site plan and tentative subdivision map shall be submitted to the City for review and approval for any development activity seeking to implement the VC Overlay.~~

~~General Warehousing Overlay~~

~~In lieu of the underlying land use designation, a "General Warehousing Overlay" (GW Overlay) designation is proposed on an approximately 99.0-acre portion of Neighborhood I (PAs 3-4, 11, 13, and 15), an approximately 43.3-acre portion of Neighborhood III (PA 78), and an approximately 54.0-acre portion of Neighborhood IV (PA 20). If the underlying uses are not implemented, planning areas with a GW Overlay designation would allow for the development of general warehousing, storage, other self-serve uses, and light industrial uses.~~

~~The GW Overlay expressly allows for the continued use and operation of existing storage, warehousing, and wholesaling uses and related uses within those areas, including Monier Lifetile (3511 N. Riverside Avenue, Rialto). The development standards presented in Table 2-4 (Lytle Creek Ranch Specific Plan – Village Center Commercial and General Warehouse Standards) shall apply to areas being developed under the GW Overlay.~~

~~The GW Overlay designation is located along transportation arterials, such as the I-15 Freeway and Riverside Avenue. A site plan and tentative subdivision map shall be submitted to the City for review and approval~~

~~for any development activity seeking to implement the GW Overlay.~~

As indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, Table 2-2 (Lytle Creek Ranch Specific Plan – Detailed Statistical Summary) in the DEIR (pp. 2-33 through 2-38) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 2.0 (Project Description). Similarly, as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, Table 2-4 (Lytle Creek Ranch Specific Plan –Village Center Commercial and General Warehousing Standards) in the DEIR (p. 2-42) has been revised to delete reference to "General Warehousing (GW)" in Section 2.0 (Project Description).

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-104) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

> Proposed "Village Center Commercial (VC)" areas located in Neighborhood II (PA 92) may be located adjacent to proposed "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" (PA 93). Similarly, proposed "Village Center Commercial (VC)" area located in Neighborhood III (PAs 39-40) may be located adjacent to proposed "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" (PA 46) and "Multi-Family Residential (MFR) (14-28 du/ac)" (PA 44). In certain areas within Neighborhood II (PA 92) and Neighborhood III (PA 78), the proposed LCRSP illustrates the presence of a new local street (46-foot right-of-way) separating "Village Center Commercial (VC)" designated area from adjacent "Single-Family Residential 3 (SFR-3) (8-14 du/ac)" (PAs 77 and 93). However, in Neighborhood II, although a future internal roadway may be constructed, the proposed LCRSP does not explicitly identify a new local street between a "Village Center Commercial (VC)" area (PAs 90-91) and adjacent ""High Density Residential (HDR) (25-35 du/ac)" areas (PA 92). ~~Similarly, in Neighborhood III, based on the proposed VC Overlay, future "Village Center Commercial (VC)" uses (PAs 35-36, 39-41) could be developed directly adjacent to "Single-Family Residential 2 (SFR-2) (5-8 du/ac)" and "Multi-Family Residential (MRF)" uses (PAs 92-93). As a result, "Village Center Commercial (VC)" authorized uses could be located, constructed, and operational directly adjacent to on-site residential uses.~~

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-127) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

~~Within Neighborhood I, those residentially-designated areas located to the north of the I-15 Freeway also have a GW Overlay designation. Those residential areas located to the south of the I-15 Freeway do not possess the GW Overlay designation. As a result, should the general warehousing overlay be applied, those land uses would be separated from the LCNPD (Rosena Ranch) by the existing freeway. The freeway right-of-way offers substantial separation distances between residential land uses within the LCNPD and potential general warehousing activities within the area of Neighborhood I.~~

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-127) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

Proposed land uses to the east of the Las Colinas neighborhood are primarily lower density residential, including "Single-Family Residential 1 (SRF-1) (2-5 du/ac)" and "Single-Family Residential 2 (SFR-2) (5-8 du/ac)." Other proposed land uses include "Elementary School (ES)," "Elementary School/Middle School (ES/MS)," and "Open Space/Joint Use (OS/JU)." ~~Along Riverside Avenue, north of Redwood Avenue, the proposed LCRSP includes a VC Overlay (PAs 35 and 42), indicating that commercial uses may be developed in lieu of residential uses within those planning areas.~~

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-128) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

- County Club Estates. As proposed, with the exception of those properties that abut PA 91 (proposed "Village Center Commercial [VC]"), all existing residential land-uses located within County Club Estates that now abut~~ting~~ the El Rancho Verde Royal Vista Golf Course or other open space areas will continue to abut either the reconfigured golf course or one of the following adjoining residential land uses: "Single-Family Residential 1 (SFR-1) (2-5 du/ac)," "Single-Family Residential 3 (SFR 3) (8-14 du/ac)", or "High Density Residential (HDR) (25-35 du/ac)." ~~As proposed, the "High Density Residential (HDR)" area located in Neighborhood II (PA 92) also has a VC Overlay designation.~~ As such, with the possible exception of those few properties where an existing residential use may abut a future commercial use, post-project land

> uses will remain compatible with existing residential land use within the County Club Estates area.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-130) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

> As proposed, "Single-Family Residential 1 (SFR-1) (2-5 du/ac)" and "Single-Family Residential 3 (SFR-3) (8-14 du/ac)~~,~~" ~~with a GW Overlay,~~ are proposed in the northern portions of Neighborhood I. Similarly, "Medium Density Residential (MDR) (14-28 du/ac)," and "Village Center Commercial (VC)~~,~~" ~~and a GW Overlay,~~ are proposed along Sierra Avenue and Lytle Creek Road. The introduction of new residential, commercial, and general warehousing uses proximate to the National Forest may increase the level of both authorized and unauthorized park use, as well as introduce other exogenous impacts, including increased night lighting, noise, and predation by household pets and feral cats.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-130) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

> A project will normally be considered to produce a significant or potentially significant land-use impact if the project were to conflict with applicable land-use plans, policies, or regulations of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. Although the USFS may have no discretionary authority over the project site, as an adjoining property owner that may be adversely impacted by any encroachment onto NFS lands, uses and activities conducted on the project site could potentially impact the forest plan's implementation. For example, the City of Rialto's approval of the project adjacent to the National Forest may result in a potentially significant impact due to an incompatibility of adjacent land uses and inherently contradictory land-use policy issues. Although the proposed development will not physically intrude upon federal lands excluding lands designated "Open Space [OS]"), the intensity of LCRSP-authorized development ("Single-Family Residential 3" ~~and GW Overlay~~) would appear to contrast with the Forest Service's goal of "Partial Retention" within the SBNF.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-139) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

> The proposed project includes, but is not limited to, both a general plan amendment (GPA) and a zone change (ZC). Text and map amendments to the City General Plan~~, County General Plan, GHSP, LCNPD,~~ and ERVSP, and text and map revisions to the City Municipal Code ~~and County Development Code~~, in combination with other actions, are required for the adoption and subsequent implementation of the LCRSP. Upon annexation of County unincorporated lands into the City resulting from the implementation of the LCRSP, the County may seek to amend relevant planning and zoning documents, including the County General Plan, the GHSP, the LCNPD, and the County Development Code. Such County actions are not necessary to implement the project.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-140) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

> In Neighborhood I, those portions of Sycamore Creek East" (Sycamore Flat) and "Sycamore Creek West (Sycamore Canyon)" presently designated "Golf Course Community (GCC)" under the County-approved GHSP would be redesignated "Open Space/Recreation (OS/R)", "Open Space (OS)," and "Single-Family Residential 1 (SFR- 1) (2-5 du/ac)," ~~with a GW Overlay covering a portion of that area (PA 3),~~ under the proposed LCRSP. That portion of Neighborhood I presently designated "Commercial/Travel Services (CTS)" under the County's GHSP would be redesignated "High Density Residential (HDR)" under the proposed LCRSP. Other than those activities that are associated with the provision of street and other infrastructure improvements, no development activities have yet to commence within those areas.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-161) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

> As proposed, in addition to the proposed "Open Space (OS)" (PAs 16-18 and 21-22) and "Open Space/Recreational (OS/R)" (PAs 19, 24, and 26) areas within and abutting Lytle Creek Wash, land uses within the

approximately 259.4-acre area comprising Neighborhood IV include "Multi-Family Residential (MFR) (14-28 du/ac)" (PA 20) and "Village Center Commercial (VC)" (PAs 23, 25, and 27). ~~A GW Overlay has been applied to PA 20.~~

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 4.1-162 through 4.1-163) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

Although no specific land uses are identified, the City General Plan MEIR acknowledges that the "City's northerly and southerly Sphere's of Influence will provide additional opportunities for single-family residential development."[238] To the extent that the City General Plan MEIR promotes housing development, in order to accommodate a range of housing opportunities, different housing products and densities must be available. Taken in total, the proposed LCRSP will create primarily a residential community, supported by neighborhood-serving commercial uses. Within Neighborhood IV, in addition to retained open space, both "Multi-Family Residential (~~MRF~~MFR) (14-28 du/ac)" and "Village Center Commercial (VC)" land-use designations~~, including a GW Overlay,~~ will be created.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-182) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

Under the proposed LCRSP, a number of land-use overlay districts would be created. In lieu of the underlying land use, planning areas containing an overlay designation could be developed for the use(s) authorized under that overlay. Presented in Table 4.1-8 (Lytle Creek Ranch Specific Plan – Land-Use Overlay Districts) is a listing of all land-use overlay districts authorized under the proposed LCRSP, including the corresponding planning areas where those overlays would apply, the underlying land-use designation which would be replaced by the overlay, and the approximate acreages of those planning areas. Each of the project's ~~five~~ three proposed overlay districts is individually addressed below.

Although each of the ~~five~~ three overlay districts encompass entire planning areas, to the extent that a subsequent "B" level subdivision map were to create separate parcels and assign each a separate land-use designation, unless otherwise precluded by the Lead Agency, there is nothing in the proposed LCRSP that would preclude an overlay

> from encompassing only a portion of an assigned planning areas, such that multiple (albeit geographically separated) uses could be developed therein, with distinct portions of the affected planning area containing both the underlying and overtopping land uses.

As indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 4.1-184 through 4.1-194) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.1 (Land Use and Planning).

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.7-32, fn80) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.7 (Air Quality).

> [80]/ As indicated in the proposed LCRSP, conditionally permitted land uses within the "Village Center Commercial (VC)" ~~and "General Warehousing Overlay"~~ districts include "welding, machine, and metal plating shops" and "central cleaning or laundry plants."

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.7-75) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.7 (Air Quality).

> As proposed, the LCRSP would allow or conditionally allow for the development and operation of wholesale/distribution centers, general warehouses, and other "industrial" uses within the "Village Center Commercial (VC)" ~~and "General Warehousing Overlay"~~ districts. Those land uses may be located within 1,000 feet of new on-site and/or existing off-site residential uses and other sensitive receptors.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.7-78) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.7 (Air Quality).

> Localized air toxic impacts from diesel PM emissions associated with a potential distribution center may, therefore, be substantial if it is located within approximately 1,000 feet of a sensitive land use. Unlike a freeway, this determination is more speculative due to the low level of detail about future development (such as specific location of the distribution center, orientation of loading docks, and activity level) known at this time. Based on the studies conducted by the CARB, however, a sensitive land use

> could be exposed to a cancer risk of 10 in one million (10 x 10^{-6}) or greater if located within 1,000 feet of a large distribution center. Since a distribution center is authorized as a conditionally permitted use with the "Village Center Commercial (VC)" district ~~and identified as a permitted use in the "General Warehousing Overlay"~~ and could be sited in close proximity to residential or other sensitive receptors, the inclusion of that or similar uses could create a substantial health risk and would, therefore, be deemed significant.
>
> As further indicated in the proposed LCRSP, gasoline service stations, automobile repair shops, welding, machine, and metal plating shops, manufacture and assembly facilities, research and development facilities, printing and blueprinting shops, warehouse and distribution centers, and other similar uses are identified as a permitted or conditionally permitted use within the "Village Center Commercial (VC) district~~ and "General Warehousing Overlay."~~ As indicated in Table 4.7-6 (Examples of Other Facility Types that Emit Air Pollutants of Concern), the CARB has defined many of those uses as "facility types that emit air pollutants of concern."

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.7-79) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.7 (Air Quality).

> Although no "heavy industrial" or "heavy manufacturing" uses are contemplated, the proposed LCRSP authorizes certain types of "industrial," "manufacturing," and "warehousing, storage, and heavy commercial" uses as either permitted or conditionally permitted land uses within the "Village Center Commercial (VC)" district~~ and "General Warehousing Overlay."~~[190] However, the proposed LCRSP does not, however, provide any explicit definitions (or use-based performance standards) of what would generally constitute a "light" or "heavy" (or "medium") industrial and/or commercial land use.[191]

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 82 and 4.7-39 and Table ES-4) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.8 (Noise).

> Mitigation Measure 8-3. Prior to the issuance of building permit for non-residential uses within the "Village Center Commercial (VC) district~~ and "General Warehousing Overlay~~, an acoustical analysis shall be prepared by a

qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer demonstrating that an acceptable interior noise level of 45 dB L_{dn} (or CNEL) or below will be achieved for adjacent residential uses (including hotel, motel, transient lodging), office buildings, amphitheaters, auditoriums, meeting halls, movie theaters, churches, and other similar sensitive uses and that an acceptable interior noise level of 50 dB L_{dn} (or CNEL) or below will be achieved for retail commercial uses, banks, restaurants, and other similar uses with the windows and doors closed and identifying any design or development measures that would be required to achieve those standards.

As resented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (Table 4.10-7, p. 4.110-46) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.10 (Utilities and Service Systems).

2. Although "mixed-use" development is not included in the current version of the proposed LCRSP, the higher density residential and non-residential land uses associated therein are accommodated in the proposed project's residential land-use districts and in the proposed "Village Center Commercial (VC)" district ~~and "General Warehousing Overlay."~~ As such, the land-use categorization presented herein continues to reasonably reflect the current development proposal.

As resented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.10-67) has been revised to delete reference to and discussion of the GW Overlay and VC Overlay in Section 4.10 (Utilities and Service Systems).

~~Although composting facilities are not explicitly identified, as indicated in the proposed LCRSP, "recycling centers as a principal use, collection and sorting only" is identified as a "conditionally permitted" land use within the "Generally Warehousing Overlay," subject to compliance with Section 18.108 (Regulation of Recycling Facilities) of the City Municipal Code.~~

Comment No. I-13-2 also states, "it is the AQMD staff's understanding that the proposed overlay uses and the air quality impacts on residences and other sensitive receptors could be waived at the discretion of the lead agency." This comment appears to refer to Mitigation Measure 1-1, which is intended to mitigate land-use incompatibility impacts from the various land uses contemplated by the LCRSP. It was not anticipated that Mitigation Measure 1-1 would be waived for uses that have the potential to cause air quality or health risk impacts. However, to avoid any potential

confusion, Mitigation Measure 1-1 has been revised to make it clear that it cannot be waived and the review process under Mitigation Measure 1-1 must be performed in accordance with the FEIR.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (pp. 4.1-201 through 4.1-201, Table ES-2, and Table ES-3) has been revised to clarity the Lead Agency's intent with regards to the application of Mitigation Measure 4.1 and its application to future development projects in the Executive Summary and in Section 4.1 (Land Use and Planning).

> Mitigation Measure 1-1. ~~Unless otherwise waived by the City's Development Services Director (Director) on a case-by-case basis, d~~Development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land-use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Development applications for conditionally permitted land uses within the Village Commercial Center designation, and other designations if necessary, shall submit a site-specific and use-specific analysis to the Director in the same manner as for permitted uses and shall also complete additional environmental review under the California Environmental Quality Act (CEQA) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. ~~Upon acceptance and subject to the Director's discretion, s~~Should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for such use. However, if mitigation measures are identified, those measures shall be imposed as subsequent conditions of approval for individual development projects. ~~All identified design measures, site planning measures, development standards, and other measures shall be imposed as subsequent conditions of approval for individual development projects.~~ For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.

As noted, Mitigation Measure 1-1 includes reference to Table 4.1-4 (General Land-Use Compatibility Matrix), as presented in the DEIR (p. 4.1-106). As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-106) has been revised to clarity the Lead Agency's intent with regards to the application of Table 4.1-4 in the context of Mitigation Measure 1-1 in Section 4.1 (Land Use and Planning).

> To the extent that a particular existing and/or proposed land use cannot appropriately fit into any of the land-use categories presented in Table 4.1-4 (General Land-Use Compatibility Matrix), the City's Development Services Director (Director)~~, at the Director's sole discretion,~~ shall determine what, if any, environmental issues may be germane to that use and shall specify the nature of any environmental analyses which shall accompany the project-specific development proposal, define the scope of those studies, and determine their adequacy for the purpose of assessing land use compatibility.

As indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the Table 4.1-4 (General Land-Use Compatibility Matrix) in the (p. 4.1-106) has been revised to clarity the Lead Agency's intent with regards to the application of Table 4.1-4 in the context of Mitigation Measure 1-1 in the Executive Summary and in Section 4.1 (Land Use and Planning).

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-127) has been revised to clarity the Lead Agency's intent with regards to the application of Mitigation Measure 4-1 and its application to future development projects in Section 4.1 (Land Use and Planning).

Comment I-13-3 The AQMD staff encourages the lead agency to consider implementing the recommended distances described in the California Air Resources Board Air Quality and Land Use Guidelines Handbook in this initial planning stage to further protect those residences and other sensitive receptors from adverse air quality and health effects from the off-site sources and the proposed overlay uses. As required under CEQA, the AQMD staff recommends that the lead agency commit to quantitatively evaluating and disclosing air quality impacts, including health risks, from the proposed overlay land uses.

Response I-13-3 Comment No. I-13-3 encourages the Lead Agency to consider setback distances recommended in the California Air Resources Board's (CARB) "Air Quality and Land Use Guidelines Handbook" (CARB Handbook) to protect sensitive receptors from off-site sources. The CARB Handbook is an advisory document and is not binding on the Lead Agency and the City has not adopted the CEQA Handbook's recommendations as mandatory siting restrictions. Nonetheless, the CARB Handbook's siting

recommendations were considered in the DEIR (p. 4.7-80) and Mitigation Measures 7-17 and 7-18 were developed to protect sensitive receptors from off-site sources following consideration of the CARB Handbook. Mitigation Measure 1-1 also ensures that potential land-use compatibility impacts between different on-site land uses will be addressed prior to development.

Comment No. I-13-3 also requests that the air quality impacts and health risks from the proposed overlay uses be quantified. As discussed in Response No. I-13-2, the CEQA analysis has been revised to eliminate references to the GW Overlay and VC Overlay; thus, impacts from these speculative overlay uses do not need to be quantified because they are not part of this project or intended to be covered by this CEQA review.

Based on the DEIR's consideration of the CARB Handbook and the elimination of the GW Overlay and VC Overlay, Comment No. I-13-3 has been fully addressed and no further action is required.

Comment I-13-4 Pursuant to Public Resources Code Section 21092.5, please provide the AQMD written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Ian MacMilan, Program Supervisor – Intergovernmental Review, at (909) 396-3244, if you have any questions regarding these comments.

Response I-13-4 This comment is acknowledged.

Comment I-13-5 Future Project Construction/Operation Air Quality Analyses. As described in the Draft EIR, the LCRSP includes four residential neighborhoods totaling approximately 8,407 dwelling units on about 939.4 acres, with approximately 19.5 acres of commercial uses, and other non-residential development on an additional 95.6 acres. Besides these proposed land uses, the lead agency also proposes alternative land uses that could be sited within the underlying project areas including the Village Center Commercial Overlay (VCO) and the General Warehouse Overlay (GWO). These overlay zones would allow for land uses with the potential for toxic air emissions including gasoline service stations, automobile repair shops, welding, machine and metal plating shops, manufacture and assembly facilities, research and development facilities, printing and blueprinting shops, warehouse and distribution centers and other similar uses described on page 4.7-76 of the Draft EIR.

The lead agency states that these alternative land uses could be permitted or conditionally permitted and sited in close proximity to residential and other sensitive receptors without further CEQA review. The lead agency also concludes that the juxtaposition of these incompatible land use types could create significant air quality impacts including carcinogenic health risks from sources such as diesel trucks from warehouse operations, quarrying, and other industrial uses.

However, the lead agency does not quantify these potential health risks of these overlay zones in the Draft EIR. Instead, the lead agency concludes in Table 4.1-4 (page 4.1-106) and Mitigation Measure 1-1 (pages 4.201 and 4.202) that these project impacts cold be analyzed at a future date at the discretion of the lead agency, yet project analyses could be waived on a case by case basis. This creates uncertainty that potentially significant impacts would not be analyzed and disclosed for projects within the overlay zones.

Based on CEQA Guidelines §15151 (Adequacy), §15152 (Tiering) and §15126.6(d) (Alternatives), AQMD staff believes that the analysis of these alternative project impacts should not be discretionary. The lead agency should commit to quantifying and presenting to the public the magnitude of impacts due to these overlay zones either in the Final EIR or in subsequent project-specific CEQA documents.

Response I-13-5

Comment No. I-13-5 raises the concern that potential health risks of the GW Overlay may not be fully quantified in the DEIR and that subsequent CEQA review should be required for uses in the overlay zones. As discussed in Response No. I-13-2, the CEQA analysis has been revised to eliminate references to the GW Overlay and VC Overlay; thus, impacts from these speculative overlay uses do not need to be quantified because they are not part of this project or intended to be covered by this CEQA review.

Comment No. I-13-5 also expresses concerns over the potential that Mitigation Measure 1-1 could be waived. As discussed in Response No. I-13-2, Mitigation Measure 1-1 has been revised to make it clear that it cannot be waived and the review process under Mitigation Measure 1-1 must be performed in accordance with the FEIR.

Comment No. I-13-5 also raises the concern that future CEQA review may be needed for certain uses, citing Sections 15151 (Adequacy), 15152 (Tiering) and 15126.6(d) (Alternatives) of the State CEQA Guidelines. Comment No. I-13-2 raises this issue in the context of the GW Overlay and VC Overlay uses, which will be eliminated from the CEQA analysis and need not be further considered herein. Nonetheless, the LCRSP continues to include the "Village Center Commercial (VC)" designation, which conditionally permits uses similar to those raised in Comment No. I-13-5, such as distribution centers, metal plating facilities, and warehouse uses. It was anticipated that such uses in the "Village Center Commercial (VC)" designation may require additional environmental review in accordance with CEQA. However, to avoid any confusion, Mitigation Measure 1-1 has been revised to make it clear that permitted and conditionally permitted uses within the "Village Center Commercial (VC)" designation, as well as within the other zoning designations of the LCRSP, shall require additional CEQA review (including additional air quality and health risk analysis) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA.

Comment I-13-6

The DEIR states that future industrial development within the LCRSP area may be approved at the discretion of the lead agency, potentially without CEQA review. As the air quality analysis presented in this Draft EIR is not sufficient to cover AQMD permitting requirements for new sources of emissions subject to AQMD rules, the lead agency should clarify in the Final EIR that all new permitted sources of emissions will require additional CEQA analysis prior to construction or operation.

Response I-13-6

Comment No. I-13-6 expresses that the DEIR is not sufficient to cover SCAQMD permitting requirements for new sources of emissions subject to SCAQMD rules and that all new permitted sources of emissions will require additional CEQA analysis prior to construction or operation.

As stated in the DEIR (p. 4.7-79), certain development components may require permits from other agencies (such as the SCAQMD or the San Bernardino County Fire Department, acting in its role as the Certified Unified Protection Agency [CUPA]) to address air quality and/or health risk impacts. The DEIR is clear that additional approvals may be necessary for sources that require permits from other agencies. As described in the DEIR (Executive Summary, pp. 5 and 6), the Lead Agency's CEQA documentation may be utilized by other agencies for the subsequent approvals ("this EIR may be used by those responsible, trustee, and federal agencies from whom permits, approvals, and other entitlements may be identified"). As discussed in Response No. I-13-2, the GW Overlay and VC Overlay will has been eliminated from the CEQA analysis, so additional CEQA review would be required if such speculative uses were proposed at a later date. As discussed in Response No. I-13-6, Mitigation Measure 1-1 has been revised to make it clear that permitted and conditionally permitted uses within the "Village Center Commercial (VC)" designation, as well as within the other zoning designations of the LCRSP, shall require additional CEQA review (including additional air quality and health risk analysis) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA.

Comment I-13-7

Localized Significance Thresholds. As noted in Table 4.712 (page 4.7-67) [sic] of the Draft EIR, the lead agency estimate localized significance impacts form construction based on the underlying land uses stated in the project description but did not estimated localized construction or operation air quality impacts for the overlay land uses. The Draft EIR states on pages 4.7-76 and 4.7-79 that the proposed project allows the lead agency to authorize land uses with potentially significant emissions such as warehouse distribution centers, light and medium industrial facility uses, metal plating facilities, etc. as approved permitted or conditionally permitted uses within portions of the proposed project area. Because the proposed project is located within one-quarter mile of sensitive receptors (residential properties) west, southwest, and southeast of the proposed project, the AQMD requests that the lead agency evaluate localized air quality impacts for both the underlying and overlay project uses to ensure that any nearby sensitive receptors are not

adversely affected by the construction and operation activities that are occurring in close proximity. AQMD guidance for performing a localized air quality analysis can be found at the following web address: http://www.aqmd.gov/ceqa/handbook/LST/LST.html.

Response I-13-7

Comment No. I-13-7 raises concerns that local construction and operational air impacts assessed using the Local Significance Thresholds (LSTs) may not be fully evaluated for the overlay zones. As discussed in Response No. I-13-2, the CEQA analysis has been revised to eliminate references to the GW Overlay and VC Overlay; thus, impacts from these speculative overlay uses do not need to be quantified because they are not part of this project or intended to be covered by this CEQA review.

Comment No. I-13-7 also requests that the Lead Agency analyze LSTs for the construction and operation of underlying project uses. Note that Construction LSTs are analyzed in the DEIR (pp. 4.7-68 through 4.7-69). Local operational impacts were analyzed in the DEIR (pp. 4.7-73 through 4.7-74) via a carbon monoxide (CO) "hot spots" analysis.

In response to Comment No. I-13-7, presented herein is an analysis of operational LST impacts, as presented in "Air Quality Assessment Technical Report: Localized Operational Analysis" (PCR, May 2010), included in Appendix IV-I (PCR May 2010 Technical Memorandum) herein. As shown therein, operational LST impacts for NO_2, CO, PM_{10}, and $PM_{2.5}$ were determined to occur at levels below their respective significance thresholds. Thus, operational LST impacts will be less than significant.

As discussed in Response No. I-13-6, Mitigation Measure 1-1 has been revised to make it clear that permitted and conditionally permitted uses within the "Village Center Commercial (VC)" designation, as well as within the other zoning designations of the LCRSP, shall require additional CEQA review (including additional air quality and health risk analysis) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. Thus, additional LST analysis for conditionally permitted uses in the "Village Center Commercial (VC)" designation may be required for future proposed developments.

Comment I-13-8

Operational Mitigation Measures. Because the lead agency has determined that project operational air quality impacts have exceeded the AQMD recommended daily significance thresholds for VOC, NOx, CO, PM10 and PM2.5 and that cancer risks exceed the AQMD significance threshold of 10 in one million (10×10^{-6}), the AQMD staff recommends the following modifications and additions to further reduce operational and cancer risks, if applicable and feasible:

Proposed changes: Mitigation Measure 7-17 requires the installation of air filtration systems meeting specified performance standards on all residential dwelling units located within a 500-foot distance of the I-15 Freeway right-of-way, the CEMEX USA quarry and the Vulcan Materials

Company plant. For Mitigation Measure 7-17, the AQMD recommends that the lead agency include language that will describe enforceability and monitoring in the Final EIR. It is not clear who is responsible for the air filtration systems and how the systems will be serviced to ensure mitigation will continue to protect the health of the new and future residents and other sensitive receptors located within 500 feet of the aforementioned emission sources over time.

Additional Measures: Mitigation Measure 7-18 prohibits the placement of public recreational uses within 500 feet of the I-15 Ffreeway, a quarry, and a rock processing plant. The AQMD also recommends that the lead agency consider implementing recommendations from the CARB Air Quality and Land Use Handbook Guidelines (http://www.arb.ca.gov/ch/landuse.htm) when developing any sensitive receptors such as residences, hospitals, convalescent homes, day-care centers, and schools. These include: [1] a 500-foot buffer from the I-15 Freeway right-of-way, the CEMEX USA quarry and the Vulcan Materials Company plant according to CARB guidance, which could be implemented similar to the setback proposed in Mitigation Measure 7-18. This could be done as a deed restriction prohibiting the establishment of sensitive receptor development within the 500 foot distance. [2] a 1,000 foot buffer from warehouse distribution centers (that accommodates more than 100 trucks per day, more than 40 trucks with operating TRUs [Transport Refrigeration Units] per day, or where TRU unit operations exceed 300 hours per week); [3] a 300 foot butter from large gasoline dispensing facilities; [4] a 50 foot buffer from typical gasoline stations; and [5] a 500 foot buffer from a dry cleaning facility that operates two or more machines (utilizing 'perc') or within 300 feet of a dry cleaning facility that has fewer than two machines.

Response I-13-8

Section 21081.6 of CEQA and Section 15097(a) of the State CEQA Guidelines impose an obligation upon the Lead Agency to adopt a "monitoring program" for those measures adopted in order to mitigate r avoid significant effects on the environment.

Comment No. I-13-8 requests additional language about the enforcement of Mitigation Measure 7-17 (regarding the air filtration systems). This mitigation measure, as with the other adopted mitigation measures, will be fully enforceable by the Lead Agency pursuant to CEQA (see 15097[a], State CEQA Guidelines). Included in the DEIR (Table ES-4) is a draft "Mitigation Monitoring and Reporting Plan" (MRMP) designed to ensure the enforceability and implementation of Mitigation Measure 7-17 and all other adopted mitigation measures. Should the Lead Agency elect to approve the proposed project, the Lead Agency is required to adopt a final MRMP.

Comment No. I-13-8 also proposes to require other setback buffers as recommended by the CARB Handbook. As described in the DEIR (p. 4.7-80), the siting recommendations of the CARB Handbook were evaluated even though the CARB Handbook is an advisory document and

not binding on a Lead Agency. In part based on the recommendations of the CARB Handbook, the DEIR incorporated Mitigation Measures 7-17 and 7-18 to mitigate impacts to residences and sensitive receptors proposed to be located within 500 feet of the I-15 Freeway or within 500 feet of the main truck route and active areas at the Cemex USA quarry and Vulcan Materials Company plant. As indicated in the DEIR (p. 4.7-86), the use of air filtration systems required by Mitigation Measure 7-17 would likely achieve the equivalent particulate matter reduction as a 500-foot setback to residents located within 500 feet of the I-15 Freeway and within 500 feet of the main truck route and active areas at the Cemex USA quarry and Vulcan Materials Company plant.

Moreover, as discussed in Response No. I-13-2, the CEQA analysis has been revised to eliminate reference to the GW Overlay and VC Overlay; thus, impacts from the speculative overlay uses do not need to be further addressed therein. As discussed in Response Nos. I-13-2 and I-13-5, Mitigation Measure 1-1 has been revised to make it clear that permitted and conditionally permitted uses within the "Village Center Commercial (VC)" designation, as well as within the other zoning designations of the LCRSP, shall require additional CEQA review (including additional air quality and health risk analysis) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. This subsequent environmental analysis, if required by CEQA, would address any significant air quality and health risk impacts in accordance with CEQA and could incorporate recommendations of the CARB Handbook if necessary to mitigate a significant impact.

Comment I-13-9

On page 4.7-76 in Section 4.7: Air Quality, the lead agency authorizes warehouse distribution center land uses as part of the General Warehouse Overlay. Therefore, the AQMD recommends that the lead agency review additional recommendations that pertain to new warehouse distribution centers. A copy of the Western Riverside Council of Governments (WRCOG) "Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities" is available directly from WRCOG and is also available on the AQMD's website at: http://www.aqmd.gov/ceqa/hdbk.html. The Guidelines were developed through WRCOB's Regional Air Quality Task Force. The objective of the Guidelines is to provide local governments and developers with a menu of options of strategies that can reduce exposure to diesel particulate from new and/or modified warehouse or distribution centers. The Guidelines include seven goals, and a variety of strategies for each goal that can be implemented in whole or part. There are a variety of benefits associated with adopting the guidelines, such as reducing the exposure of residents and sensitive receptors to diesel emissions.

Response I-13-9

Comment No. I-13-9 proposes mitigation associated with general warehouse and distribution center development. As discussed in Response No. I-13-2, the CEQA analysis has been revised to eliminate reference to the GW Overlay and VC Overlay; thus, impacts from the

speculative overlay uses do not need to be further addressed herein. Warehouse and distribution centers remain conditionally permitted uses in the "Village Center Commercial (VC)" designation. As discussed in Response Nos. I-13-2 and I-13-5, Mitigation Measure 1-1 has been revised to make it clear that conditionally permitted uses within the "Village Center Commercial (VC)" designation shall require additional CEQA review (including additional air quality and health risk analysis) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. This subsequent environmental analysis, if required by CEQA, would address any significant air quality and health risk impacts in accordance with CEQA and could incorporate recommendations of the Western Riverside Council of Governments (WRCOG) "Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities" if necessary to mitigate a significant impact.

Comment I-13-10

Recommendations for Truck Idling Facilities: [1] Take into account the configuration of the proposed distribution centers and avoid residences and other sensitive land uses form being located near entry and exit points; and [2] Provide a minimum buffer of 300 meters (roughly 1,000 feet) between truck traffic and sensitive receptors; [3] Re-route truck traffic by adding direct off-ramps for the truck traffic or by restricting truck traffic on certain sensitive routes; [4] Improve traffic flow by signal synchronization; [5] Enforce truck parking restrictions; [6] Develop park and ride programs; [7] Restrict truck idling; [8] Restrict operations to "clean trucks,' such as a 2007 or newer model year or 2010 compliant vehicle; [9] Provide electric hook-ups for trucks that need to cool their load; [10] Electrify auxiliary power units; [11] Use 'clean' street sweepers; [12] Pave roads and road shoulders; [13] Provide onsite services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria service, automated teller machines, etc.; [14] Require or provide incentives to use low-sulfur diesel fuel with particulate traps; and [15] Conduct air quality monitoring at sensitive receptors.

Response I-13-10

Comment No. I-13-10 proposes mitigation associated with the development of truck idling facilities for warehouse and distribution centers. As discussed in Response No. I-13-2, the CEQA analysis has been revised to eliminate reference to the GW Overlay and VC Overlay; thus, impacts from the speculative overlay uses do not need to be further addressed herein. Truck idling facilities could potentially be associated with conditionally permitted uses in the "Village Center Commercial (VC)" designation. However, as discussed in Response Nos. I-13-2 and I-13-5, Mitigation Measure 1-1 has been revised to make it clear that permitted and conditionally permitted uses within the "Village Center Commercial (VC)" designation, as well as within the other zoning designations of the LCRSP, shall require additional CEQA review (including additional air quality and health risk analysis) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. This subsequent environmental

analysis, if required by CEQA, would address any significant air quality and health risk impacts in accordance with CEQA and could incorporate recommendations described in Comment No. I-13-10 if necessary to mitigate a significant impact associated with a truck idling facility.

Letter No. I-14
Gabe Garcia, District Ranger
United States Department of Agriculture – Forest Service
San Bernardino National Forest
Front Country Ranger District
1209 Lytle Creek Road
Lytle Creek, California 92358

Comment I-14-1 Thank you for the opportunity to comment on the Lytle Creek Ranch Specific Plan Draft EIR. Enclosed are the comments I would like to submit for inclusion in the analysis process and development of this project. The forest's concerns are related to this project's sphere of influence that directly border or are within close proximity to the San Bernardino National Forest (SBNF). The issues of fire safety, access, recreation, open space, trespass, biological resources, water, and erosion are addressed in this letter.

Response I-14-1 This comment is acknowledged.

Comment I-14-2 Fire safety. Wildfires in southern California are natural and recurring processes. Wildland fire's return to the landscape is not a matter of if, but rather when, and with what consequences. We recommend that you observe the following parameters: [1] State and County ordinances typically require 100' of fuel modification, including fuel breaks and green-belting. These activities will not be available on National Forest system lands nor is the national forest required to provide this clearance. [2] We recommend that you have adequate defensible space between the national forest boundary and your proposed development. [3] We encourage you to include proper infrastructure planning to incorporate emergency service access. This includes access roads and helicopter landing zones. These access roads can not only effectively serve as ingress points for suppression forces to extinguish fire starts, but also can double as a firebreak or anchor point form which to burn out vegetation during suppression operations. Reservoirs, where proposed as part of this development, should be available for helicopter dipping for wildfire activity in the foothills. We recommend that you build low density housing along the urban interface with the national forest along with wider streets to accommodate emergency equipment. Also, a higher frequency of water opportunities (hydrants) I this zone is recommended.

Response I-14-2 The comment requests that 100 feet of fuel modification be provided and that the areas used for fuel modification be located outside of National Forest System (NFS) lands. The project area that abuts the National Forest is Neighborhood I, and the project provides a 100-foot clear zone around the proposed development area in Neighborhood I. The location

of the fuel modification area is depicted in the DEIR (Figure 2-25, p. 2-90).

The comment also requests that the project provide adequate defensible space between the National Forest boundary and the proposed development. Figure 2-25 (Lytle Creek Ranch Specific Plan – Conceptual Fuel Modification Plan) depicts not only the 100-foot fuel modification clear zone immediately surrounding the proposed development but also depicts substantial areas of open space separating NFS lands from the proposed project. The land-use compatibility issues arising from development of the proposed project adjacent to the National Forest was examined in Section 4.1 (Land Use and Planning) in the DEIR (pp. 4.1-129 through 4.1-131). In order to minimize potential land-use conflicts, the DEIR recommends two mitigation measures to ensure greater compatibility between land uses. Mitigation Measure 1-7 requires that prior to approval of any tentative tract map on lands abutting the National Forest, the Applicant must prepare a land-line survey delineating the project's boundary with the National Forest. Once delineated, the Applicant is required to avoid disturbance to all public land survey monuments, private property corners, and National Forest boundary markers. Mitigation Measure 1-8 requires that a minimum 25-foot building setback be incorporated into the project from adjoining NFS lands, unless a lesser setback is approved by the City's Director of Development Services. This mitigation measure is in addition to the overall layout of development in Neighborhood I that provides both a fuel modification zone and open space separating the proposed development area from the National Forest. The project's provision of the clean zone is consistent with the wildland/urban interface defense zone discussed in the DEIR (p. 4.9-39). Landscaping of project areas that abut National Forest lands shall, to the extent feasible, utilize plant materials indigenous to the National Forest.

The project provides ingress and egress to the development areas through several points of access which will ensure that adequate access during times of emergency exists. See also Response No. 1-10-5. The project does not propose at this time any helicopter landing zones, but there are nearby NFS facilities in close proximity to the project site where helicopter landing zones might be provided. All of the reservoirs proposed to be constructed in relationship to the project are under the jurisdiction of the WVWD and will be built and/or are operated as covered reservoirs, per the specification of WVWD, and, therefore, are not available for direct helicopter bucket access.

Finally, the comment requests that low-density housing be built along the National Forest interface. Land uses in Neighborhood I are "Single-Family Residential 1 (2-5 du/acre)" which is the lowest density of development proposed under the LCRSP. Moreover, as depicted in Figure 2-25, these areas will be surrounded by a 100-foot clear zone and open space.

Comment I-14-3 Access, recreation, open space, and trespass. We encourage open space elements for recreation and open space opportunities within new developments. Recreation opportunities, including hiking and equestrian trails, are to be provided for within the boundary of the development and not proposed on National Forest Lands. With that said, Figure 3-3 of the specific plan entitled "Trail Plan" identifies a "hiking trail" that extends a substantial distance onto National Forest lands. We will not allow trails on the national forest without National Environmental Protection Act compliance which will require funding by the proponent to assure compliance with the regulations involved. We also have concerns with unauthorized off-highway vehicles, creation of unauthorized trails, and components of the proposed development that restrict public access to the National Forest. We encourage you to work with the National Forest to avoid conflicts over access, both in terms of the new development creating access problems for the Forest, and pre-existing National Forest access points creating problems for new developments. Road access must be maintained to all Forest Service roads through any developments adjacent to public land where accessibility may be affected by this project. Please ensure that the Forest Service retains all easements through the proposed project area. Also maintain a right-of-way to the national forest over existing routes for recreationalists and fire fighting forces.

Response I-14-3 All trails that extend onto NFS lands that are shown on Figure 3-3 in the LCRSP will be removed from the proposed trail plan. The Applicant will consult with the National Forest to ensure that as new communities are developed pursuant to the LCRSP that conflicts in relationship to access points and existing easements will be avoided.

Comment I-14-4 Wildlife, botanical, and cultural. Impacts that may result from development include habitat loss and modification, stream de-watering, noise disturbance, light disturbance, increased fire starts, non-native species introductions, and the impacts of pets. Of highest concern for wildlife is conservation of riparian areas, coastal sage scrub communities, and landscape linkages. An additional widespread threat is the rapid spread of nonnative species into native habitat.

Response I-14-4 The concerns expressed in the comment are acknowledged and each have been addressed in the DEIR and BRA. See Response No. I-14-5 (regarding habitat loss and modification), Response No. II-1-3 (for a discussion of indirect impacts and project design features and mitigation measures to bring any potentially significant impacts below a level of significance), and Response No. I-14-7 (regarding non-native species).

Jurisdictional waters impacts (including riparian impacts) were analyzed in the DEIR (p. 4.5-111 through 4.5-117). Mitigation Measure 5-3 has been proposed to reduce the impact below a level of significance. Additional riparian habitat and avian species impacts were analyzed in the DEIR (pp. 4.5-105 through 4.5-110 and 4.5-131 through 4.5-132) and, where necessary to reduce any potentially significant impact below a level

of significance, mitigation measures (Mitigation Measures 5-1, 5-2, and 5-4) were imposed. See also Response No. I-9-9.

See Response Nos. I-9-8 and I-9-20 for a discussion of the analysis of impacts to wildlife movement.

Comment I-14-5 Development in the low-elevation foothills adjacent to the SBNF has increased, causing low elevation foothill species and communities to become increasingly rare. Coastal sage scrub communities, in particular, are susceptible to type-conversion and loss due to development. Type-conversion is often a result of frequent fires beyond natural levels. Fire repeatedly originates at the wildland urban interface. Additionally, maintained fuel breaks in these areas lead to type-conversion. Numerous species-at-risk depend on these low-elevation habitats.

Response I-14-5 The comment is noted; however, the concerns expressed in the comment are generic to all development in the foothills throughout southern California. The manner in which the proposed project will affect low-elevation foothill species and plant communities, on a direct, indirect, and a cumulative basis, are the subject of the comprehensive assessment provided in the DEIR and BRA. See Response Nos. I-9-6, I-9-8, I-9-20, I-9-21, I-9-22, and I-9-23.

Comment I-14-6 There is a need to maintain an inter-connected network of undeveloped areas or landscape linkages, which retain specific habitats and allow for maintenance of biodiversity and wildlife movement across the landscape. National Forest lands are a core element of this natural open space network and will play an increasingly important role as additional habitat fragmentation occurs on surrounding private lands. The SBNF strives to collaborate with local government, developers, and other entities to complement adjacent federal and non-federal land use zones by providing for landscape linkages.

Response I-14-6 See Response No. I-9-8.

Comment I-14-7 Invasive nonnative species are animal and plant species with an extraordinary capacity for multiplication and spread at the expense of native species. These species can cause environmental harm by significantly changing ecosystem composition, structure, and function. They are known to prey upon, consume, harm, or displace native species. Installation of new reservoirs, which are often associated with new developments, has a high potential to facilitate the spread of invasive animals. Bullfrogs, African clawed frogs, and other nonnative animal species can seriously impact closely adjacent national forest wildlife populations. Invasive plant species such as tamarisk, arrundo, and other ornamental plants used on adjacent private lands can provide sources of infestation to the SBNF.

Response I-14-7 The concerns expressed are noted and acknowledged. It is because of the concerns expressed that the DEIR and BRA incorporated provisions

for the long-term management of areas to be maintained for habitat conservation in perpetuity. In particular, the Habitat Equivalency Analysis approach to mitigation of impacts to alluvial fan sage scrub (one of two alternative mitigation approaches provided for in the DEIR [pp. 4.5-165 through 4.5-167) specifically provides incentives for funding and implementing long-term stewardship programs for conserved lands (see DEIR [p. 4.5-166] and BRA [BRA, p. 173]). In addition, the DEIR (pp. 4.5-171 and 4.5-172) and BRA (BRA, pp. 181 through 183) are specific about the need for long-term management and maintenance.

The project does include water storage tanks. However, these will be fully enclosed and capped on top. Accordingly, these water storage tanks are not expected to cause the problems identified as concerns in the comment. See "Lytle Creek Ranch Specific Plan – Information I Response to Comments on Draft EIR" (PCR, May 17, 2010), included in Appendix IV-J (PCR May 17, 2010 Technical Memorandum No. 2). The project does not propose open reservoirs. Mitigation Measure 5-8 has been imposed to reduce the potential for invasive plant species to below a level of significance (pp. 4.5-172 and 4.5-141 through 4.5-143) and project design features include a landscape design feature that includes restricting landscape plantings to non-invasive plant species for common areas adjacent to open space to minimize potential indirect effects (see DEIR, pp. 4.5-92 through 4.5-93, fn 84).

Comment I-14-8

Specific comments to the DEIR include the following. (1) There are 51.0 acres within the project area that are occupied by San Bernardino kangaroo rate (SBKR) which are outside of the designated 100-year floodplain. The Biological Resources Assessment (pages 87-88) states that these areas are only occupied due to "anthropomorphic causes and will not persist for more than a short period of time". It further states that these 51.0 acres do not contain "viable" constituent elements of Critical Habitat for the species and are thus not considered during the analysis. While it is likely that these upland areas do not often experience common flooding necessary to create open habitat preferred by this species, these areas are important because they provide refugia during flooding events. Given the current fire frequency, 100-year type events have become more frequent with the burning off of vegetation. What we have seen is that after a fire, a 5-year precipitation event can emulate a 100-year flood event when vegetation is removed. Further, in the urban interface environment, ignition sources increase with increased fire frequency. The Federal Register (Vol. 73, Number 202, page 61961) for designation of Critical Habitat for the San Bernardino kangaroo rat states: "More important to the preservation of the San Bernardino kangaroo rat is channelized systems where bank-to-bank flooding can occur are individuals occupying the upland areas as they may be the only individuals remaining for recolonization of the lower floodplain after flooding has subsided (Pavelka 2006)." Furthermore, the Federal Register (Vol. 73, Number 202, page 61962) includes the following (among others) as a primary constituent element for Critical Habitat: "Upland areas adjacent to alluvial fans, washes, and associated

floodplain areas, which may include marginal habitat such as alluvial sage scrub with greater than 50 percent canopy cover with patches of suitable soils (PCE 1) that support individuals for repopulation of wash areas following flood events. These areas may include agricultural lands, areas of inactive aggregate mining activities, and urban/wildland interfaces." We recommend that the definition of "occupied" be modified to include all habitats determined by current survey data to be occupied, regardless of long-term changes in vegetative structure. An assessment of impacts to habitat outside of the 100-year floodplain, as described in the Federal Register, is also strongly recommended in order to disclose the potential effects of this project on this imperiled species. Retention of refugia areas within the proposed development is critical to sustain populations of the San Bernardino kangaroo rat across jurisdictional boundaries in Lytle Creek.

Response I-14-8

The BRA (BRA, p. 85) specifically stated that those 51 on-site acres are considered occupied with the clarification, based on the opinion of Dr. Michael O'Farrell (who is a recognized expert on the species and its habitat) that this occupation is ephemeral only. The BRA (BRA, p. 136) states that these same 51 acres are included in the assessment of impacts to the SBKR. As a clarification, the discussion states the preservation of these 51 acres is not a viable long-term strategy for the recovery or long-term conservation of the species and lists the reasons. This is not to be confused with the need to mitigate for the loss elsewhere, as is provided for in the BRA (BRA, pp. 176 through 183). The DEIR incorporates similar findings (pp. 4.5-135 through 4.5-137).

The DEIR does, in fact, consider these 51 acres in its impact analysis (p. 4.5-137). The analysis describes that 140.6 acres of SBKR-occupied habitat will be permanently impacted by the project. These 51 acres are included within the 140.6 acres of permanent impact.

See Response No. I-9-25 for a discussion of the term "occupied habitat." In fact, the DEIR did include those 51 acres as within the SBKR-occupied habitat on the project site. Also, the DEIR did discuss the importance of refugia habitat to the SBKR and did incorporate mitigation measures to ensure that the project would provide for sufficient refugia habitat for the species within and adjacent to the project site to promote the persistence of the species within Lytle Creek over the long-term (pp. 4.5-134 through 4.5-137). See also Response No. I-9-24.

Comment I-14-9

(2) Encroachments in the SBKR occupied habitat in the region are increasing, causing smaller population sizes, thus rendering these populations more vulnerable to stochastic events, such as flooding, that could cause local extirpation. The San Bernardino National Forest is responsible for managing several populations of SBKR on public lands and we therefore have a shared interest in the conservation of this species. Given the limited amount of upland habitat (above the 100-year floodplain) that will be retained as part of this project, please further

evaluate the possibility that a single stochastic event could cause local extirpation.

Response I-14-9

See Response No. I-14-8. The mitigation measures incorporated into the DEIR (pp. 4.5-170 through 4.5-172) and described in the BRA (BRA, p. 176 to 183) address the activities necessary to protect further decline of the SBKR and contribute to the recovery of the species. Specific to the comment, under the headings "on-site avoidance and preservation" and "off-site preservation and connectivity" (p. 4.5-170), both documents speak to the need for and the incorporation of refugia into the conservation/mitigation efforts for this species in the event of stochastic or catastrophic flooding events. It should be noted that the analysis and mitigation measures presented in the DEIR and the BRA are based on years of trapping/research and conservation planning for the species by Dr. Michael O'Farrell (a recognized expert on the SBKR). Based on his experience, including his experience as the principal investigator for the monitoring of the species within the 216.7-acre SBKR Conservation Area in Lytle Creek, Dr. O'Farrell provided direction for the minimum sizes, context, and connectivity criteria used in the analysis to identify viable refugia lands. Dr. O'Farrell has opined that between the existing 216.7-acre SBKR Conservation Area, including 62.5 acres of land above the 100-year floodplain which includes existing SBKR habitat as well as areas being enhanced or restored for the species, an additional 34.5 acres of upland habitat to be restored and conserved for the SBKR upstream of the Cemex USA operations, and an additional 40 off-site acres downstream of the Cemex USA operation that is also above the 100-year floodplain and is also to be restored, the long-term sustainability of SBKR population numbers will be accomplished within the study area. See also Response Nos. I-9-25 and I-9-24 and the BRA (BRA, pp.176-180).

Comment I-14-10

(3) In the Draft Specific Plan (Table 5-1), uses that were identified as "Permitted use" or "Conditional Development Permit Required" which can occur within designated open spaces include: bicycle, equestrian, multi-purpose, and hiking trails; parks, paseos, greenbelts, and playgrounds; commercial equestrian centers, rings, and stables; public utility facilities; religious institutions and places of worship; and public flood control facilities and devices. As a result of these activities, the value of wildlife habitat and the use of it by wildlife will be degraded. None of these allowable uses are considered when assessing impacts to wildlife species or use of Lytle Creek wash as a wildlife corridor. These activities could have major impacts that are being overlooked. There has been substantial amounts of scientific literature published regarding the effects of recreational uses on wildlife and their habitat. A review of the existing literature would be appropriate to accurately assess these types of impacts.

Response I-14-10

No areas proposed to be avoided or acquired for the purpose of mitigating impacts to or conserving biological resources will be used for any of the activities of expressed concern in the comment. That is, active and passive recreational activities will not be permitted therein. It is

anticipated that conservation areas will be placed under a conservation easement (or similar title restriction) that expressly prohibits these and other uses that could adversely affect biological resources in the manner described in the comment. Existing easements providing water recharge rights and general flood control functions exist within some of the project's proposed conservation open space areas in Lytle Creek but these particular pre-existing easements are not viewed as incompatible with the maintaining of sensitive species and habitats within these areas. For example, any water control activity would have to comply with the FESA and areas within Lytle and Cajon Creeks have been recognized by both CDFG and USFWS on numerous occasions as providing good long-term conservation habitat for sensitive plant and animal species and vegetation communities.

As a point of clarification, the term "open space" is commonly used in land-use planning jargon to include parks, golf courses, green belts, and other manicured areas used for active and passive recreational pursuits. As a distinction, either as a subcategory of open space or a stand-alone land-use designation, the term "conservation" is taken to mean an area where activities are restricted to those compatible with the protection of biological and other natural resources.

Comment I-14-11

(4) Recommend that open spaces are maintained in perpetuity as natural areas where no human-impacts are permissible. Restrict all human access to these areas to achieve this goal and thereby protect wildlife habitat and movement corridors. Open spaces should be created with fire in mind. They should create a buffer between the national forest and urban development.

Response I-14-11

See Response No. I-14-10. As stated, the comment reflects what is intended for conservation areas. Mitigation Measure 5-7 seeks to minimize edge effects and buffer the conservation open space in Lytle Creek through measures such as installation of a cat-proof fence at the perimeter of development where it abuts conservation open space; keeping all pedestrian and vehicle routes and trails outside the conservation open space in Neighborhoods II, III, and IV (except those needed for habitat conservation purposes or to address pre-existing easements); and installation of signage and a homeowner's awareness program to emphasize the importance of excluding human activity within the conservation open space.

Comment I-14-12

(5) Very little discussion is provided on the types of uses that will permitted in the "SBKR Conservation Areas". On page 2-44 of the DEIS, regarding the "SBKR Conservation Areas", it states "no trails will be constructed in the areas and no unrestricted public access will be authorized". Please provide more detailed information on the restricted uses of these areas and how the restrictions will be enforced. We recommend that no human entrance (with the exception of vegetation management activities to improve and maintain habitat conditions for the San Bernardino kangaroo rat) be authorized within the "SBKR

Conservation Areas" and a system of barriers and signage be minimally used to enforce it. Measures to minimize indirect mortality of individuals found within the Biological Resources Assessment on pages 181 and 182 are supported by the Forest Service.

Response I-14-12 See Response Nos. I-14-10 and I-14-11. More specifically, the commentor is referred to the discussions of "minimization of indirect mortality of individuals" and "long-term management of preserved areas" in the DEIR (pp. 4.5-171 through 4.5-172) and BRA (BRA, pp. 181-182).

Comment I-14-13 (6) A statement was made in the biological resources assessment that adverse impacts to wildlife from domestic pets is expected to be minimal because the local coyotes are known to prey upon domestic pets (Biological Resources Assessment page 116). No additional analysis of the impacts to wildlife as a result of domestic pets was completed, even though it was identified in several locations as a concern and mitigations were put in place to protect preservation areas (Biological Resources Assessment pages 181 and 182). The statement made on page 116 regarding coyotes is an understatement of the potential effects of domestic pets and we welcome that it be evaluated further. Our concern is warranted because an increase in domestic animals resulting from the proposed project can also adversely affect wildlife on adjacent public lands.

Response I-14-13 The apparent contradiction in statements made in the BRA (BRA, pp. 116, 181, and 182) requires clarification. Formal studies, as well as anecdotal evidence frequently published in local newspapers, reveal that coyotes are highly adaptable to human presence and development. Not only do coyotes take pet food left outdoors but they frequently take the pets themselves and, in rare cases, they attempt to take infants. Spencer and Goldsmith showed that domestic cats typically only have an effective predatory range of approximately 100 feet from houses (Spencer, W.D. and Goldsmith, A, Impacts of Free-Ranging House Cats on Wildlife at a Suburban-Desert Interface, Paper presented at 8th Annual Meeting of the Society for Conservation Biology, Guadalajara, Jalisco, Mexico, June 1994). Thus, the actual detrimental impact of domestic cats from the project on the SBKR in Lytle Creek would be relatively minor, especially as the homes closest to Lytle Creek would be set back from the revetment. Furthermore, the area between these homes and Lytle Creek would be fenced in such a way as to minimize house cats from entering into the wash area (Mitigation Measure5-7 requires the installation of a cat-proof fence at the perimeter of development where it abuts conservation open space).

Maintaining a healthy coyote population, which now exists in the Lytle Creek area, would effectively serve as a defense against domestic pets and feral animals taking native wildlife within the wash area. This is the basis for the statement in the BRA (p. 116) that the unnatural predation by domestic pets on native species is anticipated to be minimal. This is not the same as implementing activities designed to minimize unnatural

predation altogether. As concluded in the BRA (p. 116), unnatural predation may be minimal due to the presence of coyotes. Unnatural predation may, however, be further minimized by activities intended to keep domestic pets out of conservation areas, as is intended by the measures described in the BRA (pp. 181 and 182).

Comment I-14-14

(7) The biological resources assessment (page 141) cites a scientific reference that mountain lions need a corridor at least 1,312 feet wide to be effective. It further states that the proposed corridor generally meets this recommendation. However, the Draft Specific Plan (page 3-53) states in reference to wildlife corridors that "The conservation area generally ranges from approximately 600 feet wide in Lytle Creek to 2,400 feet within Neighborhood III". The corridor in Lytle Creek Wash is substantially narrower (600 feet) than the scientific literature recommends. This is a discrepancy that should be evaluated in further detail. We encourage development of viable wildlife linkages because habitat fragmentation continues to cause detrimental impacts to wildlife populations in southern California.

Response I-14-14

In the paragraph above the statement cited from page 141 of the BRA, the assessment states that the minimum corridor width is 1,200 feet at the I-15 Freeway undercrossing, which is the case when considering land that has already been set aside for conservation as part of the LNCPD. The confusion comes from the reading of the LCRSP out of context, in which a corridor 600-feet wide is included within the LCRSP boundaries itself. When added to the already conserved land, the corridor is much wider. Specifically, the DEIR states: "As proposed, the on-site conservation easement area extending across Lytle Creek is 1,200-feet wide at its narrowest point at the 1-15 Freeway underpass" (p. 2-106).

The DEIR (p. 2-106) explains that the reference to a corridor width of approximately 600 feet refers to the existing condition adjacent to the Cemex USA mining areas on the north and south sides of Lytle Creek (and located in the reach of the creek between Neighborhoods II and III). As this width is an existing condition created by ongoing activities on the Cemex USA property, this width is not created as a result of the proposed project.

Comment I-14-15

(8) The biological resources assessment (page 93) states that "a potential results of increased green house emissions is an increase in the frequency and intensity of wildfires in the vicinity of the LCRSP study area". While this is an accurate statement, there was no acknowledgement of a likely increase of fire starts in the community nexus as a result of close human habitation to fire-prone areas. As the San Bernardino National Forest sites up-slope and up-canyon of the project areas, an increase in fire starts may have a substantial effect on adjacent national forest lands. Please address the potential environmental impacts resulting from an increase in fire starts as a result of the project as proposed.

Response I-14-15 The comment is noted and acknowledged. The potential for an increase in wildfires as a result of the project is discussed in the DEIR (pp. 4.1-103 through 4.1-104, 4.1-130 through 4.1-131, 4.5-87 through 4.5-90, 4.7-44 through 4.7-45, 4.9-2, 4.9-33 through 4.9-34, 4.9-38 through 4.9-52, 4.9-74 through 4.9-77, 4.9-87 through 4.9-94, and 4.9-118 through 4.9-121). These portions of the DEIR discuss the potential increase in incidents or potential for wildfires and describe project design elements and mitigation measures which will ensure that this impact is reduced to a less-than-significant level. Mitigation measures include Measures 1-1, 1-7, 1-8, 9-4 and 9-5. See Response No. I-14-2.

Comment I-14-16 (9) We request that a plan for long-term management and removal of non-native invasive plans and animals be made and funded by the project proponent. We support your effort in the use of native plants within open space and other areas of development.

Response I-14-16 Provisions for the planning, implementation, and funding of long-term management plans and removal of invasive plants and animals by the Applicant are proposed to be incorporated into the project. For the conservation and management of Riversidean alluvial fan sage scrub, the reader is referred to the DEIR (pp. 4.5-165 and 4.5-167) and BRA (BRA, p. 159). For the conservation of the San Bernardino kangaroo rat, the reader is referred to the DEIR (p. 4.5-172) and BRA (BRA, p. 182). For the conservation of other riparian areas and the least Bell's vireo, the reader is referred to the DEIR (pp. 4.5-167 through 4.5-169) and BRA (BRA, pp. 175 and 183). The requirement for an invasive plant management plan is set forth in Mitigation Measure 5-8 (p. 4.5-172).

See also Response No. II-1-3.

The comment's support of the use of native plants within open space areas and other areas of development is acknowledged.

Comment I-14-17 Cultural. We request, upon completion of proposed cultural resource surveys, a copy of past and currently proposed cultural survey reports relevant to the Lytle Creek Ranch Specific Plan Draft EIR. Information regarding cultural resources is not for public distribution and is to be kept confidential.

Response I-14-17 All cultural resource surveys utilized for preparation of the DEIR are on file or available through the City upon request by the Forest Service. Any future studies will be similarly submitted to the City and would be available upon request by another agency. Portions of cultural resource reports may be made available to the public, specifically those sections of the report that describe historical or cultural resources, their setting, and the basis for determining the significance or lack of significance of a particular resource. Information regarding the specific location of the cultural resource, maps, or culturally sensitive information, such as the location of Native American burial grounds, must be kept confidential.

Comment I-14-18 Water, water resources, and vegetation. No new water development proposals on National Forest lands will be authorized. The development of water resources to support the development will have to be off of National Forest. We encourage incorporating grey water systems for irrigation of vegetation. We encourage use of native, xeric landscaping to decrease water use and discourage potential invasions of invasive plants or trees onto the National Forest.

Response I-14-18 No new water development proposals are proposed on National Forest lands as part of the proposed project. Water conservation is encouraged in the proposed project, including the use of native, xeric landscaping. Mitigation Measure 1-8 requires, to the extent feasible, that landscape plans for areas adjacent to NFS lands utilize plant materials indigenous to the National Forest.

Comment I-14-19 Flood and erosion control. Recurrent flooding and debris flow events are predictable as a part of natural fire and flood sequences. The likelihood and severity of flooding events increases when upland watersheds are burned by periodic wildfire. Floods and debris flows, although they may originate on National Forest land, are uncontrollable by the national forest. National forest land will not be available for flood or erosion control measures (i.e., basins, diversions, gravel sources, etc.) They should be located and constructed within the proposed development boundaries. New development next to the national forest need to be set back at least 100 feet from National Forest System lands boundaries such that any excavation and or earth work does not cause "back cutting" type erosion; nor should sediment and erosion created as the by-product of constructing the new development impact the national forest.

Response I-14-19 The City and Applicant acknowledge the unavailability of NFS lands for flood or erosion control measures. All proposed regional flood control facilities are proposed to be constructed on the project site and not on NFS lands. With respect to the concerns addressed in this comment, the project has been designed to account for flood and debris flows. The project's flood control facilities and any development proposed by the project will not impact National Forest lands and appropriate buffering between the development area and NFS lands is required. See Mitigation Measures 1-7 and 1-8. As the project is downstream of the National Forest, any sediment or erosion that may occur will occur downstream from the National Forest and will not affect NFS lands.

Comment I-14-20 Please continue to keep me advised as this project develops. As a neighbor of this significant proposed development, we would welcome the opportunity to work with you on incorporating our recommendations and requirements into the project design. If you have any questions please contact Deputy District Ranger Richard Thornburgh at: 909-382-2867.

Response I-14-20 This comment is acknowledged.

Letter No. I-15
James A. Oravets, Division Manager
Special Districts Department
157 West Fifth Street, Second Floor
San Bernardino, California 92415-0450

Comment I-15-1 The County of San Bernardino, Special Districts Department, on behalf of County Service Area 70, Improvement Zone GH (District), would like to thank you for the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) for the above-mentioned project. Our review of your document did identify the following items as "items of concern" that should be considered prior to taking any action to approve and adopt the findings in the report.

Response I-15-1 This comment is acknowledged. The specific items of concern are addressed in the individual responses that follow.

Comment I-15-2 Executive Summary. General. This section describes the need to annex that portion of the project currently located within the County of San Bernardino to the City of Rialto and the associated reorganization of existing County Service Area 70, Improvement Zone GH (CSA 70 GH). However, there is no description or statement as to the content or extent of the reorganization; timing for the reorganization; discussion of the mechanics and costs associated with the reorganization; and the impact on CSA 70 GH. It is the District's opinion that additional clarification needs to be added to the EIR to address this issue.

Response I-15-2 See Response No. I-11-2 with respect to the proposed reorganization. Any district reorganization will occur after the project is considered by the City. The City will consider approving several actions prior to annexation, including approval of a General Plan Amendment for the areas currently within its Sphere of Influence and proposed for incorporation, adoption of the LCRSP as pre-annexation zoning which will take effect upon annexation, and a pre-annexation development agreement. The City must also determine whether to approve annexation of the project site that is within the City's Sphere of Influence. If the City decides to approve annexation of the project site to the City, an application will then be made to LAFCO to initiate the proposed reorganization, including reorganization of CSA 70-GH. As discussed in the DEIR, the application to LAFCO will also include annexation of portions of the project site to the WVWD (pp. 4.1-195 and 4.10-40; Figure 4.10-4 [depicting the WVWD boundaries and Sphere of Influence], and Figure 4.10-5 [depicting that portion of the project site that will be annexed to the WVWD]).

The DEIR refers to "Figure 4.10-3 (West Valley Annexation Area)" (p. 4.1-195). This reference has been corrected to read "Figure 4.10-5 (West Valley Water District Annexation Area)." As presented in Response No. I-12-2 and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.1-195) has been modified to correct

an incorrect reference to an existing figure included in Section 4.10 (Utilities and Service Systems).

Because it is required to take actions subsequent to the City's actions to implement the proposed project, LAFCO is considered a responsible agency and will use the FEIR certified by the City in connection with its consideration of the proposed reorganization. The fiscal impacts of the proposed project that will result from annexation of the project site into the City have been examined in the "Lytle Creek Ranch Specific Plan Fiscal Analysis" (Stanley R. Hoffman & Associates, May 6, 2010), on file with the City. With respect to impacts on CSA 70-GH, the most immediate consequence is that areas currently within CSA 70-GH – mostly in Neighborhood I – will be removed from the boundaries of CSA 70-GH and annexed to the City. These areas, however, because of their location and proximity to County facilities, may for some services still require the provision of services from CSA 70-GH. The provision of services, such as sewer, by a County Service Area (CSA) to land under the jurisdiction of the City will require an out-of-service-area agreement which will be entered into as part of the reorganization application that will be submitted to LAFCO.

Comment I-15-3 Additional Off-Site Areas. Reference is made in this short section to a utility easement within County-owned property located adjacent to Neighborhood 1, totaling approximately 3.6 acres. The EIR indicates that although located outside the project boundary, this area is included as part of the document by reference herein. There is no map or description indicating the location of this easement or the intended use for the County-owned easement. It is the District's opinion that additional clarification needs to be added to the EIR as to the location and use of County-owned property.

Response I-15-3 The 3.6-acre area is located on property owned by the County and is imposed with an easement benefitting SoCalGas. The details of this 3.6-acre easement area are described in the DEIR (p. 2-45) and depicted on Figure 2-10 (p. 2-61). No uses of the area are proposed by the project. The 3.6-acre area is currently open space and is used now and will continue to be used by SoCalGas for utility purposes subject to its easement rights.

Comment I-15-4 Section 2.7.6 Conceptual Sewer Master Plan. Neighborhood I. The EIR states that "sewage flows from Neighborhood I will be transported to the SBCSDD's 1.75-mgd Lytle Creek North Wastewater Recycling Plant located in County Service Area (CSA) 70-GH, via an existing main line constructed as part of the LNCPD (TR 15900)." The Conceptual Annexation Plan indicates that Neighborhood I will be annexed to the City of Rialto. CSA 70 GH cannot provide service, in this case sewer service, to properties located outside of its service area. CSA 70 GH must petition for and receive approval from LAFCO to enter into an "Out of Service Area" agreement for service to properties located outside of its boundary. It is the Districts opinion that this reference and all other references to

CSA 70 GH providing sewer service to Neighborhood I be revised to indicate the necessary procedure and qualified based on approval(s) that are required to service.

Response I-15-4 The comment is correct in its description of the conceptual sewer master plan for Neighborhood I. Sewage from Neighborhood I will be transported to the Lytle Creek North Wastewater Recycling Plant (Lytle Creek North WRP) located in CSA 70-GH. Neighborhood I, however, as with the rest of the project site presently not within the City's corporate boundaries, will be annexed to the City. Because the conceptual sewer plan would thus require a County facility to provide sewer services to areas within the City, an out-of-service-area agreement would be required and, as noted in the comment, would require approval from LAFCO. As requested by the comment, the reference in Section 2.7.6 will be revised to clarify the procedure to effectuate the conceptual sewer master plan for Neighborhood I.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, with regards to sewer service, the DEIR (p. 2-97) has been revised to more accurately describe the discretionary actions associated with the project.

> Sewage flows generated from Neighborhood I (projected to be approximately 0.429 mgd at build-out) will be transported to the SBCSDD's 1.75-mgd Lytle Creek North Wastewater Recycling Plant (Lytle Creek North WRP), located in County Service Area (CSA) 70-GH, via an existing main line constructed as part of the LCNPD (Tract 15900). Because CSA 70-GH, a County entity, cannot provide municipal services, such as sewer, to areas outside of its service area and not within the jurisdiction of the County, CSA 70-GH will be required to petition for and receive approval from LAFCO, a CEQA responsible agency, to enter into an out-of-service-area agreement for service to properties located outside of its boundary before it can provide services to Neighborhood I. Sewerage flows from Neighborhoods II, III, and IV (projected to be approximately 3.46 mgd at build-out) will be transported to the City of Rialto Wastewater Treatment Plant (Rialto WTP) via a network of existing and proposed transmission mains.

In addition, as presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, with regards to sewer service, the DEIR (p. 2-100) has been revised to more accurately describe the discretionary actions associated with the project.

> Neighborhood I. The sewer collection system for Neighborhood I will consist of new 8-inch diameter vitrified clay pipe (VCP) sewer mains and direct the flows into

existing 8-inch to 10-inch diameter sewer lines located within Clearwater Parkway. These flows will be conveyed, via gravity flow, to the existing Lytle Creek North WRP constructed as part of the LCNPD (Tract 15900) and operated by the SBCSSD (CSA 70-GH). Note, however that because CSA 70-GH, a County entity, cannot provide municipal services, such as sewer, to areas outside of its service area and not within the jurisdiction of the County, CSA 70-GH will be required to petition for and receive approval from LAFCO, a CEQA responsible agency, to enter into an out-of-service-area agreement for service to properties located outside of its boundary before it can provide services to Neighborhood I.

Comment I-15-5

Section 4.10 Utilities and Service Systems. Neighborhood I. This section describes anticipated sewer flows to the Lytle Creek North Water Recycling Plant (LCNWRP), owned and operated by CSA 70 GH. The unit occupancy rate and the sewer generation rate used to calculate future flows to the LCNWRP do not conform to the Districts standards and standard specifications and are therefore incorrect. A sewer feasibility study is required to determine actual flow generation numbers and system requirements to receive service from CSA 70 GH. The District recommends that the study be performed, this section revised and a copy of the study included in the appendices of the EIR.

Response I-15-5

The comment is correct regarding the unit occupancy rate and sewer generation rate used to calculate future flows to the Lytle Creek North WRP that is owned and operated by CSA 70-GH (see p. 4.10-56 ["project-related daily dry-weather flow (AADWF) can be estimated based on the model flow factors presented in the 'City of Rialto Wastewater Collection System Evaluation'"]). The City's sewer generation rates were inadvertently used for these calculations, instead of the District's standards and standard specifications, as this portion of the project site is proposed for annexation to the City (see Table 4-10-15, p. 4.10-57). However, as this portion of the project site will use the Lytle Creek North WRP through approval of an out-of-service-area agreement, as described in Response No. I-15-4, the County rates should be used to calculate actual flow generation numbers. The sewer feasibility study described in Comment No. I-15-4 will also use the County rates.

The wastewater generation from Neighborhood I was subsequently calculated using the County's wastewater generation rates, and the estimated flows are as follows:

- Neighborhood I (Sycamore Canyon)
  - ◊ Average Daily Flow: 77,268 gpd (0.077 mgd)
  - ◊ Peaked Flow: 0.263 mgd
  - ◊ cfs: 0. 41
- Neighborhood I (Sycamore Flat)
  - ◊ Average Daily Flow: 104,100 gpd (0.104 mgd)

- ◊ Peaked Flow: 0.370 mgd
- ◊ cfs: 0.57

- Neighborhood I (10-Inch Dry Sewer)
  - ◊ Average Daily Flow: 139,800 gpd (0.139 mgd)
  - ◊ Peaked Flow: 0.447 mgd
  - ◊ cfs: 0.69
- Total for Neighborhood I
  - ◊ Average Daily Flow: 321,168 gpd (0.321 mgd)
  - ◊ Peaked Flow: 0.889 mgd
  - ◊ cfs: 1.39

Source: Otte-Berkeley Groupe, Inc., Neighborhood I (May 12, 2010)

As indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, with regards to average daily wastewater flows, the DEIR (Table 4.10-15, p. 4.10-57) has been revised to incorporate County wastewater generation rates for Neighborhood I.

Pursuant to the August 2004 "Wastewater System Agreement," executed by the County, the Applicant and Pulte Home Corporation, 0.79 mgd of reserve average daily mgd capacity has been reserved at the Lytle Creek North WRP which reserved allocation can be used by the Applicant for Neighborhood I (see DEIR, pp. 4.10-32 through 4.10-33). Utilizing the County's unit occupancy rate and sewer generation rate, there will be adequate capacity at the Lytle Creek North WRP to treat wastewater from Neighborhood I as the 0.79 mgd reserved allocation is greater than the 0.321 mgd average daily flow calculated for Neighborhood I. Because there is adequate capacity to treat the wastewater from the project at the Lytle Creek North WRP, the impact remains the same as presented in the DEIR and is considered less than significant.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, with regards to Neighborhood I, based on the changes to Table 4.10-15 (p. 4.10-57) derived through the use of the County's wastewater generation rates, the DEIR (pp. p. 4.10-58 through 4.10-59) has been revised to more accurately characterize projected project-generated wastewater flows conveyed to the Lytle Creek North WRP in Section 4.10 (Utilities and Service Systems).

> Neighborhood I. Neighborhood I is comprised of three tributary areas, all tributary to the Lytle Creek North WRP. The area west of the I-15 Freeway (Sycamore Canyon) is comprised of 342 dwelling units or equivalents. Based on a per unit occupancy rate of 2.6 persons and a per capita generation rate of 69.72 gpd, the western portion of Neighborhood I will generate an ADF of approximately 61,995 gpd (0.064 mgd) utilizing City generation rates. Using those same rates, and aApplying a peaking factor of 3.4, the estimated peaked flow from the western portion of Neighborhood I is approximately 0.218 mgd or 0.34 cfs.

Utilizing County rates, the ADF is 77,268 gpd (0.077 mgd), and peaked flow is approximately 0.263 mgd or 0.41 cfs.

The area to the east of the I-15 Freeway (Sycamore Flat) is comprised of 347 dwelling units or equivalents. Based on a per unit occupancy rate of 2.6 persons and a per capita generation rate of 69.72 gpd, and utilizing City rates, the eastern portion of Neighborhood I will generate an ADF of about 62,901 gpd (0.063 mgd). Applying a peaking factor of 3.4, the estimated peaked flow from the eastern portion of Neighborhood I is about 0.214 mgd or 0.33 cfs. Utilizing County generation rates, the ADF for this area is approximately 104,100 gpd (0.104 mgd) and the approximate peaked flow is about 0.370 mgd or 0.57 cfs.

A 10-inch diameter dry sewer line constructed just north of Rosena Ranch and connecting to the main sewer line in Clearwater Parkway has been specifically installed to convey the flows of 466 dwelling units (PAs 11, 13, and 15) located adjacent to Glen Helen Parkway and west of the I-15 Freeway. Utilizing the City rates and aAssuming a per unit occupancy rate of 2.6 persons and a per capita generation rate of 69.72 gpd, that portion of Neighborhood I tributary to the existing 10-inch diameter sewer line will generate an ADF of approximately 84,473 gpd (0.085 mgd). Applying a peaking factor of 3.4, the estimated peaked flow from that portion of Neighborhood I is 0.289 mgd or 1.11 cfs. Utilizing County generation rates, the ADF for this area is approximately 139,800 gpd (0.189 mgd) and the approximate peaked flow is about 0.447 mgd or 0.69 cfs.

Subject to an out-of-agency service contract between the City and County, wastewater generated in Neighborhood ~~II~~ I will be conveyed to the Lytle Creek North WRP, as operated by County Service Area 70 Improvement Zone GH (CSA 70-GH).

Total estimated average daily and peaked flows from Neighborhood I are 0.209 and 0.721 mgd, respectively, or using County generation rates 0.321 mgd and 0.899, respectively. As indicated in the August 2004 "Wastewater System Agreement," as executed by the County, the Lytle Development Company, and Pulte Home Corporation, 0.79 mgd of average daily reserve capacity has been retained at the Lytle Creek North WRP to accommodate projected flows from the area comprising Neighborhood ~~II~~V. Since ~~projected peak~~ average daily flows (0.209 or 0.321 using County rates ~~0.429~~) are less than the reserved capacity at the Lytle Creek North WRP (0.79 mgd), no significant

wastewater conveyance and/or treatment impacts are anticipated from the development of Neighborhood ~~II~~IV.

As described in Response No. I-15-4, prior to providing service to areas within the City (i.e., Neighborhood I), CSA 70-GH must receive approval from LAFCO to enter into an out-of-service-area agreement. A sewer feasibility study will be conducted to determine actual flow generation numbers and system requirements and will use the County's wastewater generation rates. This study will be conducted during the "B" level tentative tract map process when the exact number and layout of proposed residential lots have been identified. It is premature to conduct that sort of detailed study now because the number of lots and dwelling units to be served by the Lytle Creek North WRP is not known.

Comment I-15-6 Again, the District appreciates the opportunity to review your CEQA compliance documents and would appreciate receiving comments on the above-mentioned concerns. Should you have any questions or comments regarding the content of this letter, please call.

Response I-15-6 This comment is acknowledged.

Letter No. I-16
Naresh P. Varma, P.E., Chief
County of San Bernardino
Department of Public Works
Environmental Management Division
825 East Third Street
San Bernardino, California 92415-0835

Comment I-16-1 Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. The EIR was circulated to the other Divisions within the Department and the following are the comments.

Response I-16-1 This comment is acknowledged.

Comment I-16-2 Water Resources Division, Mary Lou Mermilliod, Public Works Engineer II, 909-387-8213. There are no additional comments or changes to those stated in response to the Notice of Preparation, dated July 20, 2009. Those comments were as follows: The proposed development is adjacent to two major drainage courses: Lytle Creek and Sycamore Canyon Creek. Both drainage courses are within a single Flood Control District (District) held easement encompassing a major portion of the proposed development.

Response I-16-2 The comment is correct in stating that the proposed development and project site is adjacent to Lytle Creek and Sycamore Creek and that they are both within a San Bernardino County Flood Control District easement.

Comment I-16-3 (1) Lytle Creek is a District facility that has highly debris laden flows originating in the mountains to the north. During the historic floods of January and February 1969, this drainage course experienced severe erosion and overflowed its banks.

Response I-16-3 The comment is correct that Lytle Creek is a District facility that has debris-laden flows originating in the mountains and that this drainage course has historically experienced erosion and overflow.

Comment I-16-4 (2) Sycamore Canyon Creek is not maintained by the District. The flows from Sycamore Canyon Creek traverse a portion of the site in a well defined natural drainage course and poorly defined vagrant flow path. This drainage course also overflowed its banks in the 1969 storms. According to the most recent FEMA Flood Insurance Rate Maps, panels 7910H, 7920H and 7040H, dated August 28, 2008, portions of the site lie within Zones X, shaded and unshaded, and Zone A.

Response I-16-4 The comment is correct that Sycamore Creek is not maintained by the San Bernardino County Flood Control District and that it traverses a portion of the project site. The DEIR did address the fact that portions of the site lie within Zones X and Zone A according to the most recent FEMA Flood Insurance Rate Maps (Figure 4.4-3, pp. 4.4-15 through 4.4-19). This fact was stated in the DEIR (p. 4.4-7) and illustrated in Figure 4.4-3 (Portions of Flood Insurance Rate Maps for a Portion of San Bernardino County). As indicated in the DEIR, Zone A constitutes "areas of 100-year flood – no base flood elevation determined" and Zone X constitutes "areas determined to be outside 500-year floodplain" (p. 4.4-7).

Comment I-16-5 The comments made below are preliminary in nature and subject to change upon submittal of more formal, finalized plans: (3) In our opinion, portions of the development are subject to infrequent flood hazards due to overflow, erosion and debris deposition in the event of a major storm until such time as adequate channel and debris retention facilities are constructed for both facilities. The site, in general, is also subject to sheet flow from valley thunderstorms.

Response I-16-5 The observation that portions of the development are subject to infrequent flood hazards due to overflow, erosion, and debris deposition in the event of a major storm is correct and, as further noted in the comment, this condition will continue until such time as adequate channel and debris retention facilities are constructed. Consequently, the project proposes to construct regional flood control improvements to address the existing conditions as described in this comment (see DEIR at Section 2.7.2 [Levee Improvements] and Section 2.7.3 [Conceptual Master Drainage Plan], pp. 2-50 through 2-54). The project proposes to construct a revetment along Lytle Creek which will mitigate the flood hazard conditions described in the comment, such as erosion and overflow (Figure 2-15, p. 2-68).

The revetment will be constructed along the northernmost tip of each of the existing groin originally constructed by the USACE to form a uniform continuous southern bank along Lytle Creek (p. 2-50). A "Preliminary Design Study" for the proposed revetment has been provided to the District and to the City for its review (a copy is on file at the City). In the DEIR, Figure 2-15 (Lytle Creek Ranch Specific Plan – Location of Proposed On-Site and Off-Site Levee Improvements) and Figure 2-16 (Lytle Creek Ranch Specific Plan – Conceptual Levee Construction Section) illustration the location and general design of the proposed improvements. The design of the project's flood control facilities was based upon the "Preliminary Master Plan of Drainage and Stormwater Management – Lytle Creek Ranch Project" (PACE, November 2007, revised June 2008, revised November 2008) (see Appendix III-C-D). That study used the County Rationale Method to perform the hydrology analysis and was consistent with the "San Bernardino County Hydrology Manual" (August 1986) (p. 4.4-80).

Comment I-16-6 (4) It is noted that a new 7-mile± long levee is planned for the west side of Lytle Creek adjacent to the site. The levee shall be designed and constructed to meet FEMA criteria as stated in 44 CFR 65.10.

Response I-16-6 The proposed 7-mile long levee proposed for Lytle Creek located within and adjacent to the project site is illustrated in Figure 2-15 (Lytle Creek Ranch Specific Plan – Location of Proposed On-Site and Off-Site Levee Improvements) in the DEIR (p. 2-68). The Lead Agency seeks to clarify that the proposed project includes the construction of approximately 6.7 miles of new revetments and improvements to approximately 2,000 feet of existing levees within the Cemex USA property (between Neighborhoods II and III).

Although the term "levee" is used throughout the DEIR, the proposed improvement is more properly characterized as a "revetment." The term "revetment" is more accurate to refer to the proposed structure. A revetment differs from a levee in that a levee is an earthen embankment that is elevated such that the water surface on the riverine side is higher than the pad elevations of the protected structures or features on the opposite side. A revetment is constructed to provide erosion slope protection. Put another way, a levee is constructed for those situations where the water level on the creek or water body side of the levee is higher than the ground level of the development area on the land side of the levee. That is not the physical condition on the project site. The project proposes to elevate the development area on the land side of the levee which will result in it being at a higher elevation than the water level on the creek side of the facility. Because of the elevation difference, the structure is more properly characterized as a revetment, not a levee. The revetment will be designed and constructed to meet FEMA criteria. See also Response No. I-9-2 above.

Comment I-16-7 (5) Lots adjacent to drainage coursed may be subject to additional District or County building standards.

Response I-16-7 The comment is acknowledged. The project will meet all setback requirements as it pertains to maintenance. Building setbacks are generally imposed where development is constructed adjacent to unchannelized or earthen channels where there is no revetment. Because the development areas in the project will be constructed adjacent to a complete revetment facility, building setbacks may not be necessary; however, adequate setbacks for maintenance and access will be provided.

Comment I-16-8 (6) A flood Hazard Review by Water Resources Division is required for any development adjacent to District right-of-way. Section 16.0212(g) of the County Code sets the fee for the District's review and analysis at $520. This fee, together with site and drainage plans, is to be submitted to the address below with an indication that it is for Flood Hazard Review ID 57004, File 209.0813: San Bernardino County Flood Control District, Water Resources Division, 825 E. 3rd Street, Room 142, San Bernardino, CA 92415-0835. There will be no further review, or permits issued until this fee has been processed.

Response I-16-8 The commentor notes that a flood hazard review by the Water Resources Division is required for any development adjacent to the District's right-of-way. As noted above, the "Preliminary Design Study" for the revetment has been submitted to the District and, if additional review is required, the project will comply with those review requirements at the appropriate time.

Comment I-16-9 (7) It is noted that a hydrologic/hydraulic analysis has been prepared as part of the application for a FEMA Conditional Letter of Map Revision.

Response I-16-9 The commentor is correct in noting that a hydrologic/hydraulic analysis has been prepared as part of the application for a FEMA Conditional Letter of Map Revision (CLOMR). A copy of the CLOMR application has been submitted to the District and is under review by the City as well. In addition, the hydrologic/hydraulic analysis was included in the "Preliminary Design Study" submitted to District.

Comment I-16-10 (8) We recommend that the most current FEMA regulations, for construction within established floodplains, be included in the plans and enforced by the local jurisdiction.

Response I-16-10 The most current FEMA regulations will be incorporated into all plans and compliance will be required by the City (p. 4.4-85).

Comment I-16-11 (9) Prior to any activity on District right-of-way, a permit shall be obtained from the District's Flood Control Operations Division, Permit Section. Other off-site or on-site improvements may be required which cannot be determined at this time. (10) We also recommend that the appropriate local, state and federal agencies be include on the list of required approvals and permits.

Response I-16-11 Prior to any activity on District right-of-way, the project will obtain all appropriate permits from the District's Flood Control Operations Division, as noted. The City will include all appropriate local, State and federal agencies on the list of required permits and approvals.

Comment I-16-12 Traffic Division, Ed, Petre, Public Works Engineer III, 909-387-8239. (1) I-15 Ramps at Sierra Avenue: Free right turn lanes are not acceptable by Caltrans.

Response I-16-12 Section 403.7 of the Caltrans "Highway Design Manual" specifically states: "The shadowing effect of the refuge island may be used to provide refuge areas for turning and crossing vehicles." Provision of such an island for right-turning vehicles is what is meant by the inclusion of a free right-turn in this mitigation measure's description.

Comment I-16-13 (2) It was once discussed and shown in Duncan Canyon Road at I-15 interchange study and in the Lytle Creek North Project Traffic Study to realign the intersection of Riverside Avenue at Sierra Avenue to cross intersection.

Response I-16-13 That realignment of the intersection is not included as part of the proposed mitigation in the DEIR. The recommended mitigation measure at this location could, however, be installed later than the realignment referred by the commentor or simultaneously.

Comment I-16-14 (3) Use the 8th Edition of the ITE Trip Generation Manual for the trip rates.

Response I-16-14 The 7th Edition of the ITE "Trip Generation Manual" was the most current edition available at the time the traffic impact analysis (TIA) was conducted. Between the 7th and 8th editions, only four changes were made affecting the rates for the project land uses. These were all minor decreases. By not including these decreases, the traffic analysis is more conservative.

Comment I-16-15 (4) Per the County of San Bernardino General Plan, the acceptable Level of Service for the Valley Region is D for the peak hours. The methodology used in the report to add the number of AM and PM peak hour trips together to determine if the roadways meet the County's General Plan is incorrect. The AM and PM peak hours should be looked at separately.

Response I-16-15 Conditions at each study arterial intersection and freeway segment were analyzed according to San Bernardino Congestion Management Plan (CMP) TIA guidelines. Conditions are examined separately for the AM and PM peak hours at all study locations. As demonstrated in Table 12 of the project TIA (found in Appendix II-A of the DEIR), the recommended mitigation measures would result in LOS "D" conditions during both peak hours at all study intersections. Mitigation measures are also recommended to maintain CMP standards on freeway segments.

Comment I-16-16 (5) Some of the intersection improvements listed within the report have been constructed; for instance, the signal at Glen Helen Parkway at Lytle Creek Road. Please review all the intersections.

Response I-16-16 As stated in the TIA (p. 80, ¶2), some measures have been approved or were under design at the time the TIA was prepared. Those measures may have subsequently been installed; however, those measures were not installed at the time the analysis was conducted and not including such measures as guaranteed was conservative. Removing from the list of mitigation measures the referenced improvements would not alter the conclusion with regard to the final recommended configuration for each intersection.

Comment I-16-17 (6) The mitigation cost for the improvements within the jurisdiction of the County of San Bernardino shall be: (a) Construct a signal - $400,000, (b) Add a through lane - $289,720, (c) Add a turn lane - $50,000.

Response I-16-17 The CMP costs factors, as adjusted for inflation, were deemed to be the most consistent and reliable set of factors for use in this analysis. Further, the EIR traffic study also functions as the CMP require TIA, where the use of the CMP factors is mandated. The commentor is directed to San Bernardino Associated Governments (SANBAG) to discuss any modifications to those rates.

Comment I-16-18 (7) The existing analysis shall use the existing peak hour factor and not 0.95.

Response I-16-18 The 2000 "Highway Capacity Manual" "operations method" was used in all cases. The "existing scenario" was analyzed and the results presented for information purposes only. The results did not affect the study's conclusions regarding the needed mitigation measures.

Comment I-16-19 (8) for the areas within the County of San Bernardino jurisdiction, fees shall be collected for the County of San Bernardino Regional Transportation Facilities Fee Plan, in addition to the project fair share contribution to improvements not included within the fee plan.

Response I-16-19 The City is a participant in the CMP. Regionally significant improvements are identified based on an LOS standard which is equally applied to CMP locations. Jurisdictions are responsible for maintaining the CMP standards on the CMP network. All projects in each jurisdiction are also required to pay their fair share for the CMP network improvements. If approved, this project would be required to pay its fair share of the improvements judged needed to meet the CMP criteria for the regional network, as well as make additional localized street improvements. The County is also a participant in the CMP program. If the commentor feels a greater number of County and other jurisdiction locations should be included in the CMP or that the standards followed in all jurisdictions should be more rigorous, their comments should be directed to SANBAG

(which is responsible for maintaining the CMP). The DEIR and TIA followed the applicable CMP standards.

Comment I-16-20 If you have any questions or require additional information, please contact the specific Division that provided the comments, as listed above.

Response I-16-20 This comment is acknowledged.

Letter No. I-17

Scott Morgan, Acting Director
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
1400 10th Street (P.O. Box 3044)
Sacramento, California 95812-3044

Comment I-17-1 The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 12, 2010, and the comments from the responding agency(ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Response I-17-1 As noted by the State Clearinghouse, the DEIR was provided to the following agencies: "Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 8; Department of Health Services; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission."

Comment I-17-2 Please note that Section 21104(c) of the California Public Resources Code states that: "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within the area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation." These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

Response I-17-2 Included in the correspondence from the State Clearinghouse were letters from the California Department of Toxic Substances Control and Department of California Highway Patrol. Those letters are included herein as Letter I-2 and Letter I-19, respectively.

Comment I-17-3 This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Response I-17-3 This comment is acknowledged.

Letter No. I-18
Scott Morgan, Acting Director
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
1400 10th Street (P.O. Box 3044)
Sacramento, California 95812-3044

Comment I-18-1 The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on April 12, 2010. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document. The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Response I-18-1 Included in the correspondence from the State Clearinghouse was a letter from the California Department of Fish and Game. That letter was separately received by the Lead Agency and is included as Letter I-8 herein.

Comment I-18-2 Please contact the State Clearinghouse at (9916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2009061113) when contacting this office.

Response I-18-2 This comment is acknowledged.

Letter No. I-19
E.L. Falat, Captain, Commander
California Business, Transportation and Housing Agency
Department of California Highway Patrol, San Bernardino Area
211 Western Avenue
San Bernardino, California 92411

Comment I-19-1 This letter is in response to the "Notice of Completion" for the Lytle Creek Ranch Specific Plan Environmental Impact Report, State Clearinghouse number 2009061113. Upon review of this report it was revealed this project would have a significant impact on our operations. The proposed project estimates approximately 8,407 dwelling units. These units will

include 849,420 square feet of commercial, office, light industrial, manufacturing and distribution uses; open spaces and conservation areas; public and private recreational facilities; school sites; and associated public improvement and infrastructure facilities. This additional increase in population will definitely increase the calls for service on the existing freeway system due to the fact that many of these residents will use Interstates 15, 10 and 210 freeways to commute to and from work on a daily basis. These facts are not clearly indicated in the Impact Report. In order to effectively handle the proposed increase in population growth, additional personnel and equipment will be needed in order to maintain the proper level of service to the community.

Response I-19-1 Project-related impacts upon the California Highway Patrol (CHP) are addressed in the DEIR (e.g., pp. 4-9-35, 4.9-74, 4.9-86, and 4.9-87). As indicated under Environmental Impact 9-6: "Construction and occupancy of 8,407 dwelling units and 849,420 square feet of non-residential uses and the traffic those units and uses generate on Interstate freeway system and along roadways in County unincorporated areas will increase existing demands upon California Highway Patrol resource." As such, the DEIR acknowledges that the proposed project will impact the CHP. Because the "CHP responds to traffic accidents on State highways, components of the interstate highway system, and traffic accidents on all streets located in unincorporated areas of the State" (p. 4.9-86) and "provides law enforcement assistance to the SBCSD, RPD, and other municipal law enforcement agencies," any project that adds new traffic along those roadways will incrementally contribute to an increase in CHP service calls, including "traffic enforcement, emergency incident management, public service, assistance, and accident investigation." The DEIR further acknowledges that, if staffing were to be maintained at existing levels, "increased traffic volumes would likely translate into longer (delayed) response times and decreased service levels" (p. 4.9-87). The Lead Agency, therefore, concurs that as demands increase, so to will the need for "additional personnel and equipment."

The DEIR notes that the "CHP has not formulated any long-range planning documents, established any staffing requirements or standards, or adopted impact fees which would allow individual development projects to quantify impacts on CHP resources" (p. 4.9-87). Funding for the CHP is through the California Motor Vehicle Registration Fee. The allocation of those fees to each service area is determined by CHP headquarters based on a determination of each area's service needs.

Since the CHP neither took exception to the threshold of significance criteria presented in the DEIR nor presented any additional evidence that the stated criteria would be exceeded, impacts upon the CHP will remain at a less-than-significant level and no mitigation is required or recommended.

Comment I-19-2 The California Highway Patrol respectfully requests the State Clearinghouse to consider these issues when reviewing this proposed

project. Please direct any questions to Lieutenant Rick Meier at (909) 383-4247.

Response I-19-2 This comment is acknowledged.

3.2.2 Written Comments from Non-Governmental Organizations

Letter No. II-1
Douglas W. Sprague, Manager
Vulcan Materials Company
Reclamation & Special Projects
3200 San Fernando Road
Los Angeles, California 90065-1415

Comment II-1-1 I am enclosing a letter of August 6, 2009 to Ms. Gibson of your staff which followed up Rialto's July 28, 2009 scoping session on the Lytle Creek Ranch Specific Plan. The subject draft EIR on the project does not specifically address the potential offsite impacts to Vulcan Materials Company's Cajon Creek Conservation Area as discussed both at the scoping session and in the attached August. 6th letter. I respectfully request that the enclosed August 6th letter be included in the final EIR and that the issues raised in this letter be specifically addressed.

Response II-1-1 The DEIR acknowledged the existence and location of various habitat conservation areas in proximity to the project site, including the Vulcan Materials Company Cajon Creek Conservation Area (p. 4.1-124). Figure 4.5-25 (p. 4.5-123) shows the location of the Vulcan Materials Company Cajon Creek Conservation Area in relation to the location of conservation open space proposed to be dedicated by the proposed project, the location of other existing conservation open space, and the location of proposed residential and commercial development by the proposed project. The DEIR evaluated the project's indirect impacts to wildlife species and that evaluation is applicable both to the wildlife to be conserved within the project's own proposed conservation open space as well as wildlife in the vicinity of the project and within other conservation open space in proximity to the project's proposed conservation open space (pp. 4.5-92, 4.5-110 through 4.5-111, 4.5-117 through 4.5-118, and 4.5-143 through 4.5-148). Mitigation measures imposed to reduce indirect impacts to the San Bernardino kangaroo rat in the wash to below a level of significance (Mitigation Measure 5-7) will benefit species throughout the wash (including the Vulcan Materials Company Cajon Creek Conservation Area) since they will, among other things, deter pets and humans from entering the wash, educate local residents about the importance of conserving the sensitive species in the wash, and prohibit night lighting at the wash edge (pp. 4.5-171 through 4.5-172). Mitigation Measure 5-8 will reduce potential adverse indirect impacts from non-native species.

Comment II-1-2 On July 28, 2009, the City of Rialto held a scoping meeting regarding the preparation of an Environmental Impact Report for the Lytle Creek Ranch

Specific Plan. I attended and spoke briefly at the meeting as the representative of the Vulcan Materials Company (Vulcan). Vulcan is interested in this project because Vulcan owns and manages the Cajon Creek Conservation Area (Conservation Area). The Conservation Area includes both conservation lands and a mitigation bank. The Conservation Area was established by the State and federal wildlife and regulatory agencies over 15 years ago. It preserves approximately 1,300 acres of Riversidian alluvial fan sage scrub. This habitat type is considered sensitive by both State and federal wildlife agencies. The Conservation Area provides habitat for at least 22 sensitive species, several listed under the State and/or federal Endangered Species Acts. The Conservation Area is immediately downstream of this proposed project.

Response II-1-2 This comment is acknowledged. See Response Nos. II-1-1 and II-1-3.

Comment II-1-3 As I mentioned at the scoping meeting, Vulcan is concerned that the project features as proposed in and to Lytle Creek will impact he hydrological regime and biological resources of the Cajon Creek Conservation Area. Because of this, I request that the EIR identify and address the potential impacts of the proposed Lytle Creek Ranch Specific Plan on the downstream Conservation Area. In particular, I requested that hydrological studies assessing these impacts should include Cajon Creek above its confluence with Lytle Creek as well as Lytle Creek down to the I-210/Rail Road crossing. I also recommended that a study should also address the potential changes of habitat in the Conservation Area, especially to habitats used by the sensitive species. These studies and the EIR need to address potential direct, indirect, and cumulative impacts from the proposed Lytle Creek Ranch Specific Plan Project on the Conservation Area and should include, but not limited to, light, noise, water and air quality, etc.

Response II-1-3 It should be noted that the area of the proposed project site bordering the Vulcan Materials Company Cajon Creek Conservation Area consists only of proposed conservation open space which the project proposes to preserve in perpetuity as habitat for native species. The DEIR considered and evaluated the project's indirect and secondary effects on sensitive species both on-site and off-site (which includes on-site and off-site habitat open space areas intended to promote species conservation). (see, for example, pp. 92, 4.5-117 through 118, and 4.5-143 through 148). The consideration of project indirect impacts on sensitive species in the area applies both to the project's own proposed conservation open space areas, as well to the Vulcan Materials Company Cajon Creek Conservation Area, as the latter lies beyond the existing natural habitats bordering Neighborhood II.

The DEIR identifies a variety of aspects of the proposed project that could produce indirect adverse impacts on sensitive species in the wash, such as increased human use of the open space in the wash, increase of non-native animals and plants in the habitat in the wash, increased noise

levels in the wash, an increase in artificial lighting, erosion-siltation hazards, and urban pollutants (pp. 4.5-143 through 4.5-148). The DEIR acknowledges that such indirect project impacts can, in some circumstances, be significant.

The impact analysis acknowledged that the build-out of Neighborhood II (as well as Neighborhoods III and IV) would be limited to the terraces which naturally provide a topographic break from the wash where the conservation open space would be located and that this topographic break will help to minimize potential indirect effects on sensitive species (p. 4.5-146). The DEIR also determined that the proposed fencing along the revetment and the signage that will be posted along the revetment describing the importance of the conservation open space to the sensitive plant and animal species and habitats in the wash will help to reduce the impact of humans and domesticated pets on the wash habitat (p. 4.5-147). The DEIR notes that Mitigation Measure 5-7, although primarily focused at reducing project impacts to the sensitive SBKR within the wash system to below a level of significance, will likewise serve to reduce the project's indirect effects to the other species in the wash (including those on the Vulcan conservation lands) to a level below significance.

In addition, Mitigation Measure 5-7 provides for the minimization of edge effects in the project's conservation open space (including that within Neighborhood II), through design elements intended to buffer and avoid human-wildlife conflicts. Key elements include: (1) installation of a cat-proof fence at the perimeter of development where it abuts preservation areas; (2) the location of all pedestrian and vehicular routes and trails outside the fence (except any routes necessary solely for conservation activities within the preserved habitat areas or associated with any pre-existing easement); (3) the prohibition of night lighting along the perimeter of preserved areas; (4) direction of all night lighting within development areas away from preserved areas; (5) installation of signage to direct human activity away from preserved habitat areas; (6) prohibition of unleashed dogs within preserve habitat areas; and (7) implementation of a homeowner's awareness program to educate residents about the conservation values associated with preserved habitat areas.

All new major project roads will exist within the proposed development so that traffic noise will generally be attenuated within the surrounding development. The project proposes to exclude public roads and trails within the conservation open space within Lytle Creek and to provide fencing and signage along the length of the revetment in Neighborhoods II, III, and IV to prevent human and domesticated pet intrusion into the wash, which will further reduce indirect impacts to sensitive species on Vulcan conservation lands adjacent to the conservation open space to be dedicated by the project in Neighborhood II. Project design features dictate that light from the project is to be shielded away from the natural conservation open space and this project design feature will further minimize the potential for adverse indirect impacts to species in the Vulcan Materials Company Cajon Creek Conservation Area.

The DEIR concluded that other indirect impacts to plant and wildlife within the wash would be less than significant based on the following presumptions: (1) dust control requirements for air quality management will limit the extent to which fugitive dust may affect plants; (2) the area that may be affected by dust and other air-borne matter would be generally limited to the vegetation immediately adjacent to soil disturbance areas; (3) any such effects are short term, as dust is primarily generated during the grading period; and (4) landscape design features have been incorporated to restrict landscaping near open space areas to non-invasive plant species. Also, Mitigation Measure 5-8 requires the Applicant to prepare an invasive plant management plan, which will also act to reduce opportunities for the inadvertent introduction of non-native species into the wash.

Project-related operational noise impacts will be minimal when compared with existing noise generated by the Cemex USA quarry. Also, the topographic break which places the development areas above the conservation open space below it in the wash will help to further attenuate indirect noise impacts to the wash species.

The proposed project also will avoid and preserve a contiguous corridor for wildlife movement along Lytle Creek through the project area, which will benefit the sensitive species utilizing the Vulcan Materials Company Cajon Creek Conservation Area (pp. 4.5-117 through 4.5-118). The project's configuration of its proposed conservation open space is expected to be complimentary to the Vulcan conservation lands, as they will expand upon and link with Vulcan's conservation property. As a general matter, all project design features and mitigation measures incorporated into the project which have the effect of reducing the project's indirect impacts to sensitive biological resources in the project's proposed conservation open space areas will likewise benefit the Vulcan Materials Company Cajon Creek Conservation Area and further ensure that the proposed project does not have any significant indirect impact on the biological resources therein.

The DEIR found that the project's indirect impacts to sensitive biological resources in Lytle Creek were either less than significant or were mitigated to below a level of significance with the mitigation measures imposed (pp. 4.5-143 through 4.5-148). Inasmuch as the Vulcan Materials Company Cajon Creek Conservation Area is located farther away from the areas to be developed by the project than the conservation open space dedicated by the project in Neighborhood II, the conservation open space in Neighborhood II will only further buffer and insulate the Vulcan conservation lands from any adverse impacts on biological resources. The width of the project's proposed conservation open space in Neighborhood II (as measured from the revetment to the border with the Vulcan Materials Company Cajon Creek Conservation Area) ranges from 440 feet (at its narrowest) to 1,396 feet (at its widest point).

Additionally, the project proposes to enhance/restore habitat for the SBKR on 40 off-site acres in the immediate vicinity of the Vulcan conservation lands and manage those 40 acres in perpetuity to benefit the species (Mitigation Measure 5-7). This off-site mitigation will benefit the conservation of the SBKR on the Vulcan conservation lands as well.

Additionally, all areas to be preserved as undisturbed conservation open space to benefit the SBKR (including all the natural conservation open space to be preserved in Neighborhood II in the wash) will be monitored biologically for five years and managed in perpetuity by an appropriate management entity (Mitigation Measure 5-7 [long-term management of preserved habitat areas]) On-going maintenance (e.g., fence and sign repair) and management (e.g., periodic vegetation thinning) will be part of the long-term management plan. In this way, the conservation open space in Neighborhood II, adjacent to the Vulcan conservation lands, will be even more compatible with maintaining sensitive species on the Vulcan conservation lands and serve to prevent the proposed project from having adverse impacts on the biological resources within those lands.

As for the comment regarding concern that the proposed project could adversely impact the hydrologic regime currently experienced on the Vulcan Materials Company Cajon Creek Conservation Area, PACE addressed that issue in connection with hydrology investigations that it conducted for the project and for this area (see Appendix IV-C [PACE May 5, 2010 Technical Memorandum]). PACE concluded that the revetment in Neighborhood II would have no significant hydrologic impact on the Vulcan conservation lands since, among other things, the revetment on Neighborhood II is set back from the active channel and the dominant hydrologic influence on the Vulcan conservation lands comes from the parallel Cemex USA levees upstream of those lands. The project is not proposing to change the width of these Cemex USA levees.

Comment II-1-4

In addition, I mentioned at the meeting that Vulcan is concerned with the proposed Project's intended use of the Island Levee's access road during construction. Vulcan has a license from San Bernardino County Flood Control for their haul trucks to use this access road as the transfer route between its adjacent primary crusher station and its San Bernardino sand and gravel processing plant. Additional usage of this road may create a safety hazard or limit our production capabilities. This potential conflict needs to be addressed.

Response II-1-4

As the comment acknowledges, use of this access road is controlled by the San Bernardino County Flood Control District. Approval of the proposed project by the Lead Agency would not grant authorization for the Applicant to use this road. Such authorization could only be granted by the District. The Applicant would have to obtain authorization from the SBCFCD to use this access road independently of any Lead Agency approval of this project.

If such joint use is approved by the SBCFCD, Vulcan's mine traffic protocol would be observed at all times with right-of-way given to mining traffic so as not to impact its commercial effort. Prior to any use by the Applicant, project personnel would meet with Vulcan to implement a traffic management plan which would outline the Applicant's proposed uses and times of usage and necessary notification time frames to allow Vulcan continued uninterrupted access. Accordingly, the DEIR is being amended to include a new measure (Mitigation Measure 6-7) to address construction traffic.

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.6-52) has been revised to require the preparation of a traffic management plan as a precursor to the Applicant's use of the off-site access road connecting Neighborhood II to Highland Avenue in Section 4.6 (Transportation and Traffic).

> Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by their drivers would be expected to keep public safety issues at a less-than-significant level. In addition, to best ensure the safety of pedestrians and ~~residences~~ residents and enhance the protection of children and others residing in adjoining neighborhoods, a mitigation measure (Mitigation Measure 6-3) has been formulated requiring the Applicant's preparation of a construction traffic management plan (CTMP) prior to the approval of final grading permits for new major development projects.[66] In addition, to avoid potential conflicts with Vulcan Materials Company, an adjacent landowner, regarding the use of an access road owned by the San Bernardino County Flood Control District, Mitigation Measure 6-7 has been added to require preparation of a traffic management plan for use of the SBCFCD's access road. The CTMP, which can be combined with the TCP as a single work product or prepared as a separate document, shall at a minimum include:

As presented below and as indicated in Section 2.0 (Changes, Revisions, and Other Modifications) herein, the DEIR (p. 4.6-88, Table ES-3, and Table ES-4) has been revised to require the preparation of a traffic management plan as a precursor to the Applicant's use of the off-site access road connecting Neighborhood II to Highland Avenue in the Executive Summary and in Section 4.6 (Transportation and Traffic).

> Mitigation Measure 6-7. Prior to use by the Applicant of the off-site access road owned by the County connecting Neighborhood II to Highland Avenue, the Applicant shall meet with Vulcan Materials Company (Vulcan) representatives and develop a traffic management plan

acceptable to Vulcan and the Applicant for the use of that roadway to allow Vulcan safe, uninterrupted use of the roadway for its commercial mining purposes.

Comment II-1-5 Finally, I request that Vulcan Materials Company be noticed on all future project notices and hearings. The notice should be mailed to my attention at the above address.

Response II-1-5 Vulcan Materials Company is included on the distribution lists for the proposed project and the City will provide notice to the commentor.

Comment II-1-6 Thank you for this opportunity to inform you of Vulcan's concerns with the proposed Lytle Creek Ranch Specific Plan Project. We look forward to seeing the draft Environmental Impact Report. Should you have any questions concerning these comments, please contact me, directly at (323) 474-3215.

Response II-1-6 This comment is acknowledged.

Letter No. II-2
Kim Floyd, Conservation Chair
Sierra Club of San Gorgonio Chapter
4079 Mission Inn Avenue
Riverside, California 92501

Comment II-2-1 Thank you for the opportunity to comment on the LCRSP DEIR. I have outlined below some of our critical concerns about this project as described in the DEIR. I am writing on behalf of the Sierra Club. The Club's members number of 5000 in the Inland Empire. We have concerns about the proposed development named Lytle Creek Ranch.

Response II-2-1 This comment is acknowledged.

Comment II-1-2 Placement Concerns: The project location is hazardous for a variety of reasons including earthquake risk, wildfire risk, blowing dust and fine particles and flood risk.

Response II-2-2 The concerns of the commentor are acknowledged. Each of the "risks" described in the comment were addressed and analyzed in the DEIR and where the project was determined to potentially create adverse environmental impacts, mitigation measures were recommended. The risks of earthquakes were addressed in Section 4.3 (Geology and Soils) in the DEIR and the seismic considerations of developing the proposed project was specifically addressed in Section 4.3.5.1 (pp. 4.3-106 through 4.3-111).

The risks of the potential for wildfire that would affect development of the project were addressed in Section 4.1 (Land Use and Planning) and in Section 4.9 (Public Services and Recreation). The DEIR (pp. 4.9-12 through 4.9-17) discussed State laws regarding urban-wildland interface.

The DEIR (p. 4.9-33) discussed the City's "Hazard Mitigation Plan, Community of City of Rialto, CA" which addresses three classes of wildland or wildfires and the DEIR (pp. 4.9-38 through 4.9-52) discussed fire protection affecting the project area. The impacts of the project as it relates to wildland fires were addressed in the DEIR (p. 4.9-74).

The air quality concerns regarding blowing dust and fine particles are addressed in Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Flood risks were addressed in Section 4.4 (Hydrology and Water Quality) in the DEIR. In order to minimize flood risks, the project proposes to construct a revetment system along the west bank of Lytle Creek that will be located adjacent to the proposed development areas in Neighborhoods II, III, and IV. The proposed revetment was designed in accordance with the criteria established by the SBCFCD and has been designed for the 100-year flood plus additional safety factors set forth in the design criteria to account for debris and floodplain hydraulics. In recognition of the project's compliance with the County's design standards, the proposed revetment system would be deemed adequate to handle the expected flood waters. See also Section 3.2.4.1 (Topical Response No. 1 – Flooding Concerns) herein.

Comment II-2-3 Environmental Concerns: Endangered species will be further threatened including Alluvial Fan Sage Scrub, the federally endangered San Bernardino Kangaroo Rat (SBKR) and Riversidean Sage Scrub. In addition, many other at risk species habitat the area of the development. Mitigation proposals outlined in the DEIR lack specifics regarding long range commitments. The DEIR does not adequately deal with the negative impact on "climate change" issues of the project.

Response II-2-3 All of the project's potential impacts to sensitive wildlife species, plants and vegetation communities were analyzed and found to be either less than significant or reduced to below a level of significance with the adoption of specified mitigation measures. Where long-term implementation commitments were found to be necessary to effectively implement a mitigation measure, those commitments were expressly provided for in the measure. See generally, Response Nos. I-9-6, I-9-8, I-9-9, I-9-11, I-9-20, I-9-21, I-9-24, I-9-25, I-14-16, and II-1-3.

The proposed project would employ numerous sustainable design features. Relative to the DEIR's discussion and analysis regarding "climate change" issues, see Response Nos. I-3-1, I-3-2, and III-121-3 for additional information and discussion.

Comment II-2-4 Health and Safety Concerns: There is a lack of adequate new sources of water as well as, inadequate egress in case of flood, earthquake and/or fire. This project will have a negative impact on air quality in an area already out of compliance.

Response II-2-4 With respect to the concern regarding the lack of adequate sources of water, the DEIR contained an analysis of both construction and operational water supply for the project (pp. 4.10-36 through 4.10-38 and 4.10-40 through 4.10-55) and a water supply assessment was performed for the project (Appendix III-J) which analyzed the existing and projected demands for water and the availability of sufficient water resources. The project's water supply needs will be met by the WVWD. The WVWD obtains its water from several sources, including the State Water Project and several groundwater basins in the region, such as the Bunker Hill Basin. By utilizing both surface water (State Water Project) and groundwater sources, the District can rely upon multiple sources of water to ensure an adequate supply of water within its jurisdiction. See Response No. I-14-2 regarding the issue of egress in the event of a flood, earthquake or wildfire. With respect to the concerns regarding the project's impact on air quality, see Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment II-2-5 Quality of Life Concerns: With the current volatile economic environment it is reasonable to anticipate that this project may be delayed for year and perhaps be started and later abandon [sic]. This could leave home owners, neighboring communities and the City of Rialto with a deteriorating high cost to redeem the project. The project could evolve into warehouse or other use project.

Response II-2-5 The commentor's concern regarding the impact of the economy on the implementation of the project will be forwarded to the City's decisionmakers for their consideration. As specified, CEQA does not require analysis of economic or social impacts (Section 15064[e], State CEQA Guidelines). The proposed project includes adoption of the LCRSP which sets forth the range of uses that will be allowed to be developed on the project site. Under the LCRSP, a maximum of 849,420 square feet of general and specialty commercial, office, business park, light industrial, and other similar uses are allowed. If any other uses beyond those described in the LCRSP are proposed or any increase in the number of units or the square footage of non-residential development is proposed, the Applicant must request an amendment to the LCRSP, which must be considered and approved by the City only after it has conducted environmental review and held public hearings on any such proposed amendment.

Comment II-2-6 The DEIR's Significant Environmental Impacts states that "project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significant," in relationship to Air Quality, and Noise. This project should not be considered for approval in the current configuration.

Response II-2-6 This comment is acknowledged. The City decisionmakers have been provided a copy of the DEIR for their review and will be provided a copy of the FEIR, including response to these comments, before taking action on the proposed project. Should the City decide to approve the project,

because the EIR has identified significant environmental impacts that cannot be mitigated to a less-than-significant level, the City will be required to adopt findings setting forth those considerations and factors that it believes support approval of the project despite the project's unavoidable impacts. These finding are referred to as the "Findings" and "Statement of Overriding Considerations" and are required by State law (Section 21081, CEQA; Sections 15091 and 15093, State CEQA Guidelines).

3.2.3 Written Comments from Individuals

Letter No. III-1
Miles and Pauline R. Fellows
5644 Olive Avenue
Rialto, California 92377

The Lead Agency received a number of nearly identical letters which present the same comments and differ only by the name(s) and address of the individual commentor. Because those letters are virtually identical, except for name(s) and addresses, the City has sought to promote conservation efforts by presenting all such letters only a single time and acknowledging the names and addresses of those individuals that submitted the same letter. In presenting public comments in this fashion, it is not the City's intent to minimize the importance of the comments and opinions that are presented or to misrepresent the number of parties that submitted those comments. For ease of reference, a reference number has been assigned to each such letter by the Lead Agency (e.g., Letter III-1), corresponding with where that letter first appears in this document.

Comment III-1-1 [Form Letter No. III-1]

I Miles and Pauline R. Fellows are residents of El Rancho Verde County Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long. The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre. Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them. Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard.

Response III-1-1

If "quality of life" is defined as "contentment with everyday life" and/or "the degree of enjoyment and satisfaction experienced in everyday life" (http://encarta.msn.com/dictionary_1861697530/quality_of_life.html), there exists no single interpretation or application universal to all parties. The DEIR acknowledges that a number of significant adverse impacts are likely to manifest from the project's approval and that implementation will produce a substantial physical change to the project site. While some parties may see those actions as resulting in a reduced "quality of life," others might assert that the provision of decent housing and living environment, in combination with other benefits attributable to the proposed project, would enhance the quality of their lives. Similarly, while the proposed project will alter the existing environmental setting, the DEIR does not characterize that change as resulting in a destruction of those established residential neighborhoods abutting the project site. Issues of land-use consistency and compatibility are thoroughly addressed in the DEIR. The DEIR concludes that the proposed project, as mitigated, will not result in a significant land-use impact. The Applicant has been working cooperatively with the Department for a number of years to bring the proposed project before the City's advisory and decision-making bodies. No factual basis is presented to support any allegations concerning the Applicant's lack of commitment to the betterment of this community

Project-related and cumulative impacts on the area's biological resources are extensively addressed in the DEIR. Although anticipated biological impacts may be adverse, the proposed project, as mitigated, will not result in a significant biological resource impact. Similarly, flood, earthquake and fire hazards are each examined in the DEIR. With respect to the location of the project in an area of potential 100-year flood, see Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns). Potential impacts related to flooding were addressed in Section 4.4 (Hydrology and Water Quality) in the DEIR. The potential impacts associated with geotechnical issues (e.g., earthquakes) were addressed in Section 4.3 (Geology and Soils) in the DEIR and Mitigation Measures 3-1 to 3-4 were recommended for adoption to ensure that all new development proposed on the project site is consistent with the recommendations of geotechnical studies and geologic reports. Mitigation Measure 3-3 prohibits the placement of habitable structures on areas located with the Alquist-Priolo Fault-Rupture Hazard Zones and prospective purchasers of real property with the LCRSP will be provided a copy of the County's Hazard Overlay Map disclosing the potential presence of seismic hazards (Mitigation Measure 3-4). Fire hazards were addressed in Section 4.1 (Land Use and Planning). See DEIR (p. 4.1-130) with respect to the interface of new development proposed by the project with the San Bernardino National Forest, and in Section 4.9 (Public Services and Utilities). See DEIR (p. 4.9-87) with respect to the provision of fire services for the new development. As indicated in the DEIR, each of those hazards can be mitigated to a less-than-significant level.

Comment III-1-2 In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

Response III-1-2 As indicated in the DEIR: (1) project-related and cumulative traffic impacts have been fully mitigated to an acceptable level of service; (2) as mitigated, public safety considerations (e.g., fire, flood, and seismic hazards) do not elevate to a level of significance; (3) there exist multiple points of entry and exit to and from the project site (e.g., compliance with Uniform Fire Code); (4) neither the County's "San Bernardino County Operational Area Multi-Jurisdictional Hazard Mitigation Plan" (San Bernardino County Fire Department, April 2005) nor the City's "Hazard Mitigation Plan – Community of City of Rialto, CA" (Rialto Fire Department, August 29, 2004) identify emergency evacuation as a significant issue affecting the community; and (5) CEQA does not require an analysis of speculative impacts (14 CCR 15145).

The USGS and California Geological Survey's "The ShakeOut Scenario, United States Geological Survey Open-File Report 2008-1150 and California Geological Survey Preliminary Report 25" (2008) examined the regional implications of an earthquake of a magnitude 7.8 earthquake on the southern San Andreas fault. Although the analysis could be assumed to be synonymous with other potential hazards, the scenario presented represents a potential worst-case event based on the widespread extent of damage, utility outages, extensive fires, and potential for dam collapse (not relevant to the project site). The modeled scenario assumed that over 270,000 people would be displaced from their homes in the 8-county region and a total of 503 public shelters would be needed to house the 175,500 people who cannot find shelter elsewhere. As indicated in "The ShakeOut Scenario," which was extensively cited in the DEIR (pp. 4.3-72 and 4.3-73):

> Decisions regarding evacuation will not follow immediately after the earthquake. Those whose homes have been damaged will be concerned first with their own safety and that of family members who are not present. Once united, families will assess the situation and base their decisions to leave or remain in their homes on several factors – the level of damage, the type and number of utility outages, their emotional state and the actions taken, or perception of the actions taken, by neighbors. Clearly, not all post earthquake evacuations will be discretionary as severe damage, hazardous materials releases, potential dam failure and fire, or the likelihood of fire, will prompt evacuations ordered by authorities.
>
> Evacuations will take place over the first several days following the earthquake. In the eastern portions of Los Angeles County, the Cities of San Bernardino and Riverside and the desert cities of the Coachella Valley, large numbers of people whose homes have been seriously damaged and are without electricity, water and natural gas are likely to evacuate on the day of the earthquake

and seek shelter with friends and relatives whose homes have not been damaged. Debris in the streets, non-functioning traffic signals and damage to bridges will limit the mobility of many who wish to leave the area and some will either remain close to their damaged homes or relocate to public shelters which will open during the late afternoon of the first day.

As emergency operations shelters ramp up to respond to the disaster, responsibility for shelter and mass care fall to mass care coordinators at the local and state levels who coordinate with FEMA at the federal level (Federal Response Plan, Emergency Support Function 6). In addition to the identification of shelter sites and activation of shelters for evacuees, these responders are responsible for the identification and provision of needed services and supplies to shelter locations including: personnel to manage the shelters, food and water, security, shelter identification and routing (including signage), information regarding the placement of pets and service animals and notification to the public regarding the location of the nearest shelters. Mass care coordination is mobilized quickly in this disaster as over one hundred shelters and associated services will be needed on the day of the earthquake.

Early evacuees may set up shelters in parks or open spaces before official shelters are opened and some will remain in these locations rather than move again. By the end of the first day, a total of 120 shelters have been opened and are staffed by Red Cross volunteers and emergency services workers from local and state government. The shelters receive food and water shipments that are directed to shelter locations by local emergency operations centers which have mobilized across the region.

County and City emergency activation and evacuation plans are already in place and are dependent upon the location and type of incident. In the event of a disaster, actual evacuation route movement is conducted by law enforcement agencies. A public notice utilizing California's Emergency Alert System is broadcast over local radio and television stations. Evacuation warning information includes: (1) evacuation type (voluntary or mandatory); (2) rotes available out of the area; (3) location of evacuation centers); (4) anticipated duration of the emergency; and (5) time remaining before the situation becomes critical. As development proceeds throughout the City and throughout the region, those emergency activation plans are periodically updated to reflect changing conditions.

See also Response No. I-10-5.

Comment III-1-3 The Lytle Creek Ranch project must NOT go forward.

Response III-1-3 This comment is acknowledged and the concerns expressed in the comment will be forwarded to the City decisionmakers.

Letter No. III-2
Kenneth L. Velasquez
5798 Date Avenue
Rialto, California 92377

Comment III-2-1 [Form Letter No. III-2]

I _____ am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long. The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre. Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them. Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard.

Comment III-2-2 In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

Response III-2-2 See Response No. III-1-2

Comment III-2-3 The Lytle Creek Ranch project must NOT go forward.

Response III-2-3 See Response No. III-1-3

Letter No. III-3
David J. Maskell
6037 Koa Drive
Rialto, California 92377

Comment III-3-1 [Form Letter No. III-1]

Response III-3-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-4
Victor and Malke Rauing
2908 N. Riverside Avenue
Rialto, California 92377

Comment III-4-1 [Form Letter No. III-2]

Response III-4-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-5
Sheila L. Brown
6210 Riverside Avenue
Rialto, California

Comment III-5-1 [Form Letter No. III-2]

Response III-5-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-6
John H. Brown
6210 Riverside Avenue
Rialto, California 92377

Comment III-6-1 [Form Letter No. III-2]

Response III-6-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-7
Jon P. Kirby
5605 Sycamore
Rialto, California 92377

Comment III-7-1 [Form Letter No. III-1]

Response III-7-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-8
Keith and Juanita Vaughn
6011 Princeton Court
Rialto, California 92377-4035

Comment III-8-1 [Form Letter No. III-1]

Response III-8-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-9
Joan Christensen
5648 Olive Avenue
Rialto, California

Comment III-9-1 [Form Letter No. III-1]

Response III-9-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-10
Cythia Brooks
6017 Koa Drive
Rialto, California 92377

Comment III-10-1 [Form Letter No. III-1]

Response III-10-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-11
Joe E. Pearson
5528 Larch Avenue
Rialto, California

Comment III-11-1 [Form Letter No. III-1]

Response III-11-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-12
La Vonda M-Pearson
5528 Larch Avenue
Rialto, California

Comment III-12-1 [Form Letter No. III-1]

Response III-12-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-13
Alice L. Zecchini
5882 Geremander Avenue
Rialto, California 92377

Comment III-13-1 [Form Letter No. III-1]

Response III-13-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-14
James P. Zecchini
5882 Geremander Avenue
Rialto, California 92377

Comment III-14-1 [Form Letter No. III-1]

Response III-14-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-15
Arman Turadian
5651 Sycamore Street
Rialto, California

Comment III-15-1 [Form Letter No. III-1]

Response III-15-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-16
Judy Sanford
5779 N. Date Avenue
Rialto, California 92377

Comment III-16-1 [Form Letter No. III-1]

Response III-16-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-17
Jo Sanford
5779 N. Date Avenue
Rialto, California 92377

Comment III-17-1 [Form Letter No. III-1]

Response III-17-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-18
Estileen Talbott
5775 Olive Avenue
Rialto, California 92377

Comment III-18-1 [Form Letter No. III-1]

Response III-18-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-19
Frederick Pou
19692 Rowan Avenue
Rialto, California

Comment III-19-1 [Form Letter No. III-1]

Response III-19-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-20
Anita and Robert Schultz
3003 N. Sycamore Avenue
Rialto, California 92377

Comment III-20-1 [Form Letter No . III-2]

Response III-20-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-21
William Johnson
2345 N. Sycamore Avenue
Rialto, California

Comment III-21-1 [Form Letter No. III-2]

Response III-21-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-22
Arthur O. Wilson, Jr.
3034 N. Sycamore Avenue
Rialto, California 92377

Comment III-22-1 [Form Letter No. III-2]

Response III-22-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-23
Catherene Coacha Mueck
3053 N. Sycamore Avenue
Rialto, California

Comment III-23-1 [Form Letter No. III-2]

Response III-23-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-24
Isaac Bernal
3045 N. Sycamore Avenue
Rialto, California

Comment III-24-1 [Form Letter No. III-2]

Response III-24-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-25
Sharon Edgens
250 N. Linden, No. 39
Rialto, California 92376

Comment III-25-1 [Form Letter No. III-2]

Response III-25-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-26
Pablo Daniel Coalan
3029 N. Sycamore Avenue
Rialto, California 92377

Comment III-26-1 [Form Letter No. III-2]

Response III-26-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-27
Lena Marie Borrowman
2645 Via Lindo Drive
Rialto, California 92377

Comment III-27-1 [Form Letter No. III-2]

Response III-27-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-28
Louis R. Hernandez
5790 Magnolia Avenue
Rialto, California 92377

Comment III-28-1 [Form Letter No. III-2]

Response III-28-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-29
Cheryl C. Hernandez
5790 Magnolia Avenue
Rialto, California 92377-3948

Comment III-29-1 [Form Letter No. III-2]

Response III-29-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-30
Guillermina McNerney
5553 Sycamore Avenue
Rialto, California 92377

Comment III-30-1 [Form Letter No. III-1]

Response III-30-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-31
Gil Daab
5569 Sycamore Avenue
Rialto, California

Comment III-31-1 [Form Letter No. III-1]

Response III-31-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-32
Issac Nimmons
2381 N. Sycamore Avenue
Rialto, California 92377

Comment III-32-1 [Form Letter No. III-1]

Response III-32-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-33
Ronald and Ellen Boroch
5987 Sycamore Avenue
Rialto, California 92377

Comment III-33-1 [Form Letter No. III-1]

Response III-33-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-34
Georgia Theodororou
5661 N. Riverside Avenue
Rialto, California 92377

Comment III-34-1 [Form Letter No. III-1]

Response III-34-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-35
Anthony Theodororou
5661 N. Riverside Avenue
Rialto, California 92377

Comment III-35-1 [Form Letter No. III-1]

Response III-35-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-36
Nick Theodororou
5661 N. Riverside Avenue
Rialto, California 92377

Comment III-36-1 [Form Letter No. III-1]

Response III-36-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-37
Emily Jaramillo
5635 Riverside Avenue
Rialto, California

Comment III-37-1 [Form Letter No. III-1]

Response III-37-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-38
Bobbie and Dorothy Rose
5604 Larch Avenue
Rialto, California 92377

Comment III-38-1 [Form Letter No. III-1]

Response III-38-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-39
Mary M. Wilson
19130 Knollwood Avenue
Rialto, California

Comment III-39-1 [Form Letter No. III-1]

Response III-39-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-40
Pauline Cormaci
2407 N. Sycamore Avenue
Rialto, California

Comment III-40-1 [Form Letter No. III-1]

Response III-40-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-41
Kenneth White
19673 Rowan Avenue
Rialto, California

Comment III-41-1 [Form Letter No. III-1]

Response III-41-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-42
E. Burrietta White
19673 Rowan Avenue
Rialto, California

Comment III-42-1 [Form Letter No. III-1]

Response III-42-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-43
Leon F. Mitchell
5647 Riverside Avenue
Rialto, California 92377

Comment III-43-1 [Form Letter No. III-1]

Response III-43-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-44
Try Seng and Kheng Vang
2453 N. Sycamore Avenue
Rialto, California 92377

Comment III-44-1 [Form Letter No. III-1]

Response III-44-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-45
Mr. Santos
19689 Kauri Avenue
Rialto, California

Comment III-45-1 [Form Letter No. III-1]

Response III-45-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-46
Ernest C. Atkins
5574 Sycamore Avenue
Rialto, California 92377

Comment III-46-1 [Form Letter No. III-1]

Response III-46-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-47
Iva Rodriquez
5862 Olive Avenue
Rialto, California 92377

Comment III-47-1 [Form Letter No. III-1]

Response III-47-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-48
Everett E. Tribbett
5504 N. Sycamore Avenue
Rialto, California

Comment III-48-1 [Form Letter No. III-1]

Response III-48-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-49
Judy McGowan
5722 Magnolia Court
Rialto, California 92377

Comment III-49-1 [Form Letter No. III-1]

Response III-49-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-50
Roger Bishop and Barbara Bishop
5513 Sycamore Avenue
Rialto, California

Comment III-50-1 [Form Letter No. III-1]

Response III-50-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-51
Darryl Rodgers
5611 Sycamore Avenue
Rialto, California

Comment III-51-1 [Form Letter No. III-1]

Response III-51-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-52
Donald Hoffman
5606 Olive Avenue
Rialto, California

Comment III-52-1 [Form Letter No. III-1]

Response III-52-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-53
Xochitle Talavera
19125 Knollwood Avenue
Rialto, California 92377

Comment III-53-1 [Form Letter No. III-1]

Response III-53-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-54
William Talavera
19125 Knollwood Avenue
Rialto, California

Comment III-54-1 [Form Letter No. III-1]

Response III-54-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-55
Juan [Last name is not legible]
5585 Larch Avenue
Rialto, California 92377

Comment III-55-1 [Form Letter No. III-1]

Response III-55-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-56
Joe Chesley
5575 Sycamore Avenue
Rialto, California

Comment III-56-1 [Form Letter No. III-1]

Response III-56-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-57
Rachel G. Prieto
5789 Date Avenue
Rialto, California 92377

Comment III-57-1 [Form Letter No. III-1]

Response III-57-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-58
John F. Reynolds
5546 N. Sycamore Avenue
Rialto, California 92377

Comment III-58-1 [Form Letter No. III-1]

Response III-58-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-59
Rosalie Mayers
5857 Magnolia Avenue
Rialto, California 92377

Comment III-59-1 [Form Letter No. III-1]

Response III-59-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-60
Elva Pushaugh
5847 Magnolia Avenue
Rialto, California 92377

Comment III-60-1 [Form Letter No. III-1]

Response III-60-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-61
Kim Purbaugh
5830 Geremande Avenue
Rialto, California

Comment III-61-1 [Form Letter No. III-1]

Response III-61-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-62
Andy Grady
5662 Olive Avenue
Rialto, California

Comment III-62-1 [Form Letter No. III-1]

Response III-62-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-63
Jean Morgan Randall
5747 Sycamore Avenue
Rialto, California

Comment III-63-1 [Form Letter No. III-1]

Response III-63-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-64
Fidel Delgadillo and Gabriela Delgadillo
5520 Sycamore Avenue
Rialto, California 92377

Comment III-64-1 [Form Letter No. III-1]

Response III-64-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-65
Cynthia Correa
5597 N. Riverside Avenue
Rialto, California

Comment III-65-1 [Form Letter No. III-1]

Response III-65-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-66
Jose Manuel Correa, Sr.
5597 N. Riverside Avenue
Rialto, California 92377

Comment III-66-1 [Form Letter No. III-1]

Response III-66-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-67
Eileen Iverson and Mathew Zlorich
2269 N. Sycamore Avenue
Rialto, California 92377

Comment III-67-1 [Form Letter No. III-1]

Response III-67-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-68
Scott Becker
5731 Magnolia Avenue
Rialto, California 92377

Comment III-68-1 [Form Letter No. III-1]

Response III-68-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-69
Alan G. Dyer
5769 Chelsea Court
Rialto, California 92377

Comment III-69-1 [Form Letter No. III-1]

Response III-69-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-70
Jose Juan Lee
5541 Sycamore Avenue
Rialto, California 92377

Comment III-70-1 [Form Letter No. III-1]

Response III-70-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-71
Dickie W. Simmons
5549 Larch Avenue
Rialto, California 92377

Comment III-71-1 [Form Letter No. III-1]

Response III-71-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-72
Cynthia L. Simmons
5549 Larch Avenue
Rialto, California 92377

Comment III-72-1 [Form Letter No. III-1]

Response III-72-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-73
Olga Zahar Walek, Ph.D.
6041 N. Riverside Avenue
Rialto, California 92377

Comment III-73-1 [Form Letter No. III-1]

Response III-73-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-74
Perry Walek
6041 N. Riverside Avenue
Rialto, California 92377

Comment III-74-1 [Form Letter No. III-1]

Response III-74-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-75
Brian Walek
6041 N. Riverside Avenue
Rialto, California 92377

Comment III-75-1 [Form Letter No. III-1]

Response III-75-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-76
Kenneth Boshart
5529 Larch Avenue
Rialto, California 92377

Comment III-76-1 [Form Letter No. III-1]

Response III-76-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-77
Lynn Boshart
5529 Larch Avenue
Rialto, California 92377

Comment III-77-1 [Form Letter No. III-1]

Response III-77-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-78
Virginia Robinson
2313 N. Sycamore Avenue
Rialto, California

Comment III-78-1 [Form Letter No. III-1]

Response III-78-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-79
Rhetie Felton
5863 Sycamore Avenue
Rialto, California

Comment III-79-1 [Form Letter No. III-1]

Response III-79-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-80
Elana Martinez
2469 N. Riverside Avenue
Rialto, California 92377

Comment III-80-1 [Form Letter No. III-1]

Response III-80-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-81
Ana Maita
5602 Sycamore Avenue
Rialto, California 92377

Comment III-81-1 [Form Letter No. III-2]

Response III-81-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-82
Angel Hernan
5602 Sycamore Avenue
Rialto, California 92377

Comment III-82-1 [Form Letter No. III-2]

Response III-82-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-83
Robert Christensen
5648 Olive Avenue
Rialto, California 92377

Comment III-83-1 I Robert Christensen am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long. The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre. Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them. Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area? The Lytle Creek Ranch project must NOT go forward. Signed Robert Christensen Address 5648 Olive Ave. This project is a sprawling slum built by Orange County money. The builder drops words like "amenities" "facilities" "open spaces" but once concrete is poured, this community will be forever ruined by these "McMansions" on _____ [Remaining text cut off on the copy which was provided to the City]

Response III-83-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-84
Ed Puttre
5734 Sycamore Avenue
Rialto, California

Comment III-84-1 [Form Letter No. III-1]

Response III-84-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-85
Eileen Puttre
5734 Sycamore Avenue
Rialto, California

Comment III-85-1 [Form Letter No. III-1]

Response III-85-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-86
Albert K. Martin, DDS
5957 N. Sycamore Avenue
Rialto, California 92377

Comment III-86-1 [Form Letter No. III-1]

Response III-86-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-87
Dr. Donald E. Odell
5626 Sycamore Avenue
Rialto, California 92377

Comment III-87-1 [Form Letter No. III-1]

Response III-87-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-88
Stefan and Danuta Labus
5591 Cherry Street
Rialto, California 92377

Comment III-88-1 Form Letter No. III-1]

Response III-88-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-89
Sallie Mae Evans
5528 Sycamore Avenue
Rialto, California 92377

Comment III-89-1 [Form Letter No. III-1]

Response III-89-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-90
Jesse Vernon
5562 Sycamore Avenue
Rialto, California 92377

Comment III-90-1 [Form Letter No. III-1]

Response III-90-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-91
Lynda Munemitsu
5529 Sycamore Avenue
Rialto, California

Comment III-91-1 [Form Letter No. III-1]

Response III-91-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-92
June Joy Dyer
5769 Chelsea Court
Rialto, California 92377

Comment III-92-1 [Form Letter No. III-1]

Response III-92-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-93
Marcia R. Hughes
5645 N. Olive Avenue
Rialto, California

Comment III-93-1 [Form Letter No. III-1]

Response III-93-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-94
William Hughes
5645 N. Olive Avenue
Rialto, California

Comment III-94-1 [Form Letter No. III-1]

Response III-94-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-95
Michael Lomax
5544 Larch Avenue
Rialto, California 92377

Comment III-95-1 [Form Letter No. III-1]

Response III-95-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-96
Michelle Lomax
5544 Larch Avenue
Rialto, California 92377

Comment III-96-1 [Form Letter No. III-1]

Response III-96-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-97
Lacy A. Kendall
5790 N. Date Avenue
Rialto, California 92377

Comment III-97-1 [Form Letter No. III-1]

Response III-97-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-98
Stephen Mack
5818 Date Avenue
Rialto, California 92377

Comment III-98-1 [Form Letter No. III-1]

Response III-98-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-99
Gretchen Hendricks
5795 Date Avenue
Rialto, California

Comment III-99-1 [Form Letter No. III-1]

Response III-99-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-100
Michael LaBomme
5795 Date Avenue
Rialto, California

Comment III-100-1 [Form Letter No. III-1]

Response III-100-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-101
June Perkins
5823 Sycamore Avenue
Rialto, California 92377

Comment III-101-1 [Form Letter No. III-1]

Response III-101-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-102
Thomas McGraw
5997 Sycamore Avenue
Rialto, California 92377

Comment III-102-1 [Form Letter No. III-1]

Response III-102-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-103
Gregory Redd
5748 Chelsea Court
Rialto, California 92377

Comment III-103-1 [Form Letter No. III-1]

Response III-103-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-101
William Morrel
5509 N. Sycamore Avenue
Rialto, California 92377

Comment III-104-1 [Form Letter No. III-1]

Response III-104-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-105
Daisy M. Martinez
5581 Sycamore Avenue
Rialto, California 92377

Comment III-105-1 [Form Letter No. III-1]

Response III-105-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-106
Dino Hearus
6081 N. Riverside Avenue
Rialto, California

Comment III-106-1 [Form Letter No. III-1]

Response III-106-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-107
Kathy Blalock
5883 N. Riverside Avenue
Rialto, California 92377

Comment III-107-1 [Form Letter No. III-1]

Response III-107-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-108
Forrest L. Hays, Sr.
5497 N. Sycamore Avenue
Rialto, California 92377

Comment III-108-1 [Form Letter No. III-1]

Response III-108-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-109
Siofilisi Faiva
6001 Riverside Avenue
Rialto, California

Comment III-109-1 [Form Letter No. III-1]

Response III-109-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-110
Pete Munez
5607 Riverside Avenue
Rialto, California

Comment III-110-1 [Form Letter No. III-1]

Response III-110-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-111
Robert Bourland
5885 Sycamore Avenue
Rialto, California 92377

Comment III-111-1 [Form Letter No. III-1]

Response III-111-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-112
Alyson Bourland
5885 Sycamore Avenue
Rialto, California 92377

Comment III-112-1 [Form Letter No. III-1]

Response III-112-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-113
Phyllis Blackey
19110 Knollwood Avenue
Rialto, California 92377

Comment III-113-1 [Form Letter No. III-1]

Response III-113-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-114
Leon F. Mitchell
5647 Riverside Avenue
Rialto, California 92377

Comment III-114-1 [Form Letter No. III-1]

Response III-114-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-115
Armen Turadian
5651 Sycamore Avenue
Rialto, California 92377

Comment III-115-1 Your attention is called to the enclosed article – We, in the north of Rialto, feel the same as the article depicts: Serenity, natural beauty, camaraderie, kinship with neighbors – clear views, no added noise or air pollution. I object to the plans of the Lytle Creek Ranch Specific Plan and request it not to be approved.

Response III-115-1 This comment is acknowledged.

Letter No. III-116
Lynda Munemistu
5529 Sycamore Avenue
Rialto, California 92377

Comment III-116-1 In a January 16, 2001 letter from the Center of Biological Diversity and the San Bernardino Audubon Society, it stated that "virtually every possible hazard overly that exists in the County occurs on the project site, including flood, earthquake, liquefaction and fire." The conclusions outlined in the 2001 letter still exist today and if the project is approved,

the City of Rialto, County of San Bernardino and the State of California may face dire financial responsibility. A natural disaster is the effect of a natural hazard (i.e., floods, fire, earthquakes, etc.) that effects the environment and leads to financial and/or human/property losses, e.g., Station Fire. For your consideration, I will only address flooding and the ramifications of liquefaction/sand soils during an earthquake in the proposed project zone.

Response III-116-1 This comment is acknowledged. The letter referenced in the comment letter from 2001 was sent to the County in connection with the County's consideration of the LCNPD (Tract 15900), now known as Rosena Ranch.

Comment III-116-2 Flooding. When we purchased a foreclosed home at 5529 Sycamore Avenue in 1987, we did not receive a Property Disclosure Report (PDR), but our neighbors notified us that we could not put a permanent structure at the back of our ¾ quarter acre lot since it was in a flood plan area. Apparently, nothing has changed since 1987. Eight years ago when the Mountainview Collection (Tract No. 16044) was built, the resident at 3053 North Sycamore Ave, received a PDR that specifically indicated that the property was located within a Special Flood Hazard Area. In addition, the Disclosure Statement stated that Lots 1-8 (homes that back to the wash) are "subject to a nonexclusive easement for flood control purposes. The flood control easement establishes restrictions on what may be constructed on the rear area of the affected lots." (Page 6, Section 11, Item (c)). On Page 6, Item 19 of the same document, it states the "the Development is located near Lytle Creek Wash, which is a major drainage course originating in the San Gabriel Mountains. Buyer is advised that the wash may have water during storms and it may be hazardous to children or pets playing in or around the wash." Interestingly, at the March 19, 2010, Community Meeting at El Rancho Verde Country Club, there was no mention that the wash would have protective barriers. This is a personal lawsuit waiting to happen! However, more importantly, how can the City of Rialto allow development in an area where the residents are restricted?

Response III-116-2 See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns). As indicated by Figure 4.4-3 (3 of 5) (p. 4.4-17), portions of the adjacent residential community are within Zone X which denotes "areas determined to be outside the 0.2% annual chance floodplain" or, as indicated in the DEIR (p. 4.4-7), areas "determined to be outside 500-year floodplain." Areas within Zone X are designated as "Other Fflood Areas," whereas areas within Zone A are denoted as "Special Flood Hazard Areas" (see Figure 4.4-3 (1 of 5), p. 4.4-15). As each property is unique, the homes referenced in the comment may have a nonexclusive easement for flood control purposes recorded against the property as the comment alleges; however, as the City has not reviewed each title report, it does not have sufficient information to respond. See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns) regarding the proposed revetment that is to be constructed as part of the project.

Comment III-116-3 Rilato's SEMS Mutlihazard (sic) Function Plan. In the section of Mitigation Plan, the City is responsible for eliminating or reducing the impacts of hazards which exist and are a threat to life and property. Mitigation includes local ordinances/statutes and *land use planning* (emphasis in original). The Likelihood and Severity of Flood Occurrence was rated as Sometimes with a Low-Moderated-High. The 1996 Hazard Analyses Study is outdated for Mass Care and Shelter Management. The document states that "due to the prevailing socioeconomic make up of Rialto, most of the residents will relocate to homes of family and friends. Shelter will be needed for transients and the homeless." With all the new housing in North Rialto and the projected 8,000 new homes or 25,000 plus residents, the City of Rialto cannot count on family and friends. The City will incur costs.

Response III-116-3 The potential for hazards, such as earthquakes, flood, and wildfire which pose a threat to life and property were addressed in several section of the DEIR, including Section 4.1 (Land Use and Planning), Section 4.3 (Geology and Soils), Section 4.4 (Hydrology and Water Quality), and Section 4.11 (Hazards and Hazardous Materials). The issue of flooding in the area of the project site has been extensively studied and addressed in the DEIR (see Section 4.4). See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns) herein. There is nothing to indicate that the new residents in the project would not be able to rely upon family and friends, similar to existing residents, in the event they were forced to leave their homes due to an emergency situation. However, the project has been designed to minimize the potential for events such as floods, fires, and earthquakes to force evacuation by including as part of the project regional flood control improvements, such as a new revetment; fuel modification areas and defensible space between new development and wildlands; and ensuring that new construction meets all requirements and recommendations of geotechnical studies required to be conducted.

Comment III-116-4 Liquefaction and Sand Soils Impact on Earthquakes. Rialto's SEMS Multihazard Function Plan. Liquefaction is a concern in the Lytle Creek Wash Area where there are sand soils and a high water table. From San Bernardino through the Coachella Valley to the Salton Sea, over 300 years have passed since the last major earthquake (around 1680). Another major earthquake is likely to happen on this section of the fault within our lifetime, and will shake all of Southern California. The degree of shaking will be strong along the fault line but also further sway where soil types, thickness of sediments and other factors amplify earthquake shaking. Damage may also result when strong shaking occurs in materials that are susceptible to liquefaction whenever the groundwater is close enough to the surface. (Source: Southern California Fall 2008 Edition of "Putting down roots in earthquake country". Page 9). The SEMS notes that Lytle Creek Wash Area has sand soils in addition to liquefaction. Soils can greatly amplify the shaking in an earthquake. "Passing from rock to soil, seismic waves slow down but get bigger. Hence a soft, loose soil may shake more intensely than at hard rock at the same distance from the same earthquake. An example of this type of

amplification was in the Marina District of San Francisco during the 1989 Loma Prieta earthquake. That earthquake was 60 miles from San Francisco and most of the Bay Area escaped serious damage. However, some sites in the Bay Area on sand soils experienced significant shaking. This amplified shaking was one reason for the collapse of the elevated Nimitz Freeway. Ground motion at those sites was more than 10 times stronger than neighboring sites on rock" (Source: Southern California Fall 2008 Edition of "Putting down roots in earthquake country" Page 9).

Response III-116-4 The comment provides a short excerpt from the City's SEMS Multihazard Functional Plan (SEMS MFP) regarding the potential for liquefaction in the Lytle Creek area, and an excerpt describing the impact of liquefaction to areas of San Francisco during the Loma Prieta earthquake. The potential for liquefaction was addressed in the DEIR (p. 4.3-115). Geotechnical studies were conducted by GeoSoils, Inc. (GSI) with respect to liquefaction and those studies were summarized in the DEIR (p. 4.3-115). In order to address the potential impact associated with liquefaction, the DEIR identifies a number of mitigation measures (Mitigation Measure 3-1 through Mitigation Measure 3-3) designed to ensure that all development activities likely to occur on the project site will be preceded by design-level engineering studies such that the potential geotechnical concerns are reduced to less than significant.

Comment III-116-5 Hopefully, you will find the above information instrumental in your decision making of the Lytle Creek Specific Plan. Based on my research, this project will be more of a liability than an asset to the City of Rialto. The United States has experienced numerous natural hazards in the past decade that have resulted in millions of dollars in financial aid to the impacted states. Section 409 of Public Law 93 requires as a condition to receive Federal Aid requires Local Governments to evaluate the natural hazards of the area in which aid is to be used and take action to mitigate them, including safe land use. Eventually, the Federal Government will cease aid due to "poor decision making" and the City and residents will be responsible for damage.

Response III-116-5 As described in the DEIR (pp. 4.3-29 through 4.3-31), Section 409 (Minimum Standards for Public and Private Structures) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288), as amended by the Disaster Mitigation Act of 2000 (Public Law 106-390), assigns hazard mitigation responsibilities to various elements of the federal, State, and local government. In response, the County prepared the "San Bernardino County Operational Area Multi-Jurisdictional Hazard Mitigation Plan" (San Bernardino County Fire Department, April 2005), which includes the City's "Hazard Mitigation Plan – Community of City of Rialto, CA" (Rialto Fire Department, updated August 29, 2004).

As indicated the "San Bernardino County Operational Area Multi-Jurisdictional Hazard Mitigation Plan" (HMP): "As a condition of receiving mitigation assistance after November 2004, local governments are

required to adopt a Federal Emergency Management Agency (FEMA) approved Hazard Mitigation Plan (HMP). The overall intent of the Plan is to reduce or prevent injury and damage from natural hazards in the San Bernardino County (County). The HMP identifies past and present mitigation activities, current programs, and when available, mitigation strategies for the future. While we cannot prevent disasters from happening, their effects can be reduced or eliminated through a well-organized public education and awareness effort, preparedness and mitigation. For those hazards, which cannot be fully mitigated, County local governments must be prepared to provide efficient and effective response and recovery" (HMP, p. 1).

Information presented in the HMP was fully considered in the preparation of the DEIR and the analysis of the proposed project. Additionally, mitigation measures have been formulated by the Lead Agency to minimize "natural hazards" to the extent feasible. As a result, implementation of the proposed project will not result in public exposure to hazards to a greater degree than that now experienced by other individuals residing and/or working in the general project vicinity.

Letter No. 117
Susan Lewis
1547 West Norwood Avenue
Rialto, California 92377

Comment III-117-1 I am currently a Rialto city resident and was present for your meeting on March 18, 2010 at 6 pm at the El Rancho Verde Country Club in Rialto. After hearing your agency's presentation on the Lytle Creek Ranch Specific Plan, I am very concerned for the county of Rialto areas addressed in your development project. Though I am a city resident, my mother resides in Neighborhood II, addressed in your plan.

Response III-117-1 This comment is acknowledged.

Comment III-117-2 There are several problems I see with the Lytle Creek Ranch Specific Plan. First, the traffic will be a nightmare. With all of the proposed development in your project, traffic on Riverside Avenue, Linden Avenue and Country Club Drive will be atrocious. The increase in traffic will cause pollution issues and concerns, as well as congestion from the increase in cars and motor vehicles.

Response III-117-2 As indicated in the DEIR, all project-related and cumulative traffic impacts can be effectively mitigated to a less-than-significant level. However, with regards to air quality, excluding regional stationary source emissions, operational emissions or criteria pollutants and greenhouse gases (GHGs) are primarily a function of vehicle trips. As shown in Table 4.7-14 (Estimate of Unmitigated Project Operational Emissions), the increase in daily emissions resulting from operation of the proposed project are expected to exceed the SCAQMD thresholds for VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X. Even with the implementation of those mitigation measures

recommended in the DEIR, daily operational emissions will continue to exceed the SCAQMD daily emission threshold for regional CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC. The proposed project will, therefore, have a significant and unavoidable operational air quality impact.

Comment III-117-3 Second, the increase in pollution. As mentioned previously, with the increase in cars and motor vehicles, pollution is a given. Our air quality will drastically decrease and due to the increase in smog, bad health as a result of poor air quality.

Response III-117-3 See Response No. III-117-2.

Comment III-117-4 Third, the beautiful view my mother now enjoys from her backyard will be completely lost. Because of the massive amount of building your project involves, and the type of dwellings you propose in your plan, specifically, apartments and two-story homes will block the gorgeous view of the mountains forever. My mother is currently retired and takes pride in the view from her home and the massive amount of open space and natural land seen from her backyard. No where else in Rialto will you find this beautiful view. And on top of that, the view of the mountains, on a clear day, from my mother's backyard is simply breath-taking. My mother has earned her retirement and has the right to a quiet, peaceful, natural setting from her home, which is almost impossible to find in this day and age. In her early seventies, she should not be forced to have to deal with additional traffic, noise and the loss of her view. She purchased her home in the late eighties for that very reason. My mother is not pleased with what your proposed plan will involve regarding Neighborhood II, and neither am I.

Response III-117-4 Neither the City nor the County has adopted a view preservation or protection ordinance. Since no view preservation ordinances have been adopted by the City and/or by the County, private view and vistas are not provided protection and, for the purpose of CEQA analysis, have not been identified as sensitive viewsheds. As indicated in the DEIR, only public vantage points have been evaluated therein since private viewsheds, defined as views from private properties, are not typically provided any protected status. Under California law, a landowner has no right to an unobstructed view over adjoining property (Posey v. Leavitt (1991) 229 Cal.App.3d1236; Pacific Homeowners' Assn. v. Wesley Palms Retirement Community (1986) 178 Cal.App.3d 1147; Venuto v. Owens Corning Corp. (1971) 22 Cal.App.3d 116).

In Bowman v. City of Berkeley (2004) 122 Cal.App.4th 572, 586 the California Court of Appeal stated that the "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact." Given the limited scope of the impact here, the project's effects on scenic views cannot be considered environmentally significant.

Aesthetic impacts, including view intrusion, are addressed in Section 4.13 (Aesthetics) in the DEIR. Based on the threshold of significance criteria identified therein and the limited number of private viewpoints potentially impacts, as mitigated, the approval, construction, occupancy, use, and habitation of the proposed project will not result in any significant unavoidable adverse project-related or cumulative aesthetic impacts.

Comment III-117-5 My recommendation is that you consider building somewhere else, far away from Neighborhood II or not build at all in this area. I reside less than two miles from my mother's home on Sycamore Avenue, in Neighborhood II, and I hate to have to consider the impact of more traffic, increased air pollution and noise as a result of your plan. Loosing the view of the mountains goes without saying. If your development project goes as planned, Neighborhood II will loose one of it's most treasured attractions; open space, natural habitat and land, and a priceless view of mountains your can only find in that part of Rialto. Your consideration in this matter is appreciated.

Response III-117-5 This comment is acknowledged.

Letter No. III-118
Susan Lewis
1547 West Norwood Avenue
Rialto, California 92377

Comment III-118-1 I am currently a Rialto city resident and was present for your meeting on March 18, 2010 at 6 pm at the El Rancho Verde Country Club in Rialto. After hearing your agency's presentation on the Lytle Creek Ranch Specific Plan, I am very concerned for the county of Rialto areas addressed in your development project. Though I am a city resident, my mother resides in Neighborhood II, addressed in your plan.

Response III-118-1 This comment is acknowledged.

Comment III-118-2 There are several problems I see with the Lytle Creek Ranch Specific Plan. (1) Destroying the natural habitat in Neighborhood II. There is the issue of the Kangaroo Rat. I don't know much about the Kangaroo Rat but because it dwells in the wash/creek bed behind Neighborhood II, its habitat should not be invaded due to a development project. There are also plants and vegetation in Neighborhood II that should not be destroyed or uprooted because of the development plan.

Response III-118-2 Detailed information concerning project-related and cumulative impacts upon the San Bernardino kangaroo rat (SBKR) and its habitat are presented in Section 4.5 (Biological Resources) in the DEIR (e.g., PP. 4.5-76 through 4.5-86 and 4.5-134 through 4.5-137). As indicated therein, impacts upon SBKR and Riversidean alluvial fan sage scrub habitat (RAFSS) can be mitigated to a less-than-significant level.

Comment III-118-3 (2) Eliminating the access road behind the properties in Neighborhood II. Currently there is an access road behind the homes along Sycamore Avenue which was used for owners with horses, recreation vehicles, and access to property from the rear. In your meeting on the 18th of March, 2010 your representative was unaware of this road and could not answer questions pertaining to this issue. Removing that access road is JUST NOT RIGHT! Many of these homes have had access to this road since the 1980's. To remove it is not fair and shows little to no consideration to residents in this area. Many of these homes, like my mother's, have access to her home through a back gate only accessible from this access road. Are you going to deny her that?

Response III-118-3 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-118-4 (3) Limited space between homes in Neighborhood II and the LCRSP homes/dwellings. In the meeting on March 18th, 2010 my mother brought up the issue of space between her home and your development project. Your representative stated that fifteen feet would be the maximum amount of space between your development project properties and her home. My mother was not pleased with that response. Again, it shows little consideration for the residents in Neighborhood II and is not good planning to allow only fifteen feet between current existing home and your property.

Response III-118-4 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-118-5 My recommendation is that you consider building somewhere else, far away from Neighborhood II or not build at all in this area. I reside less than two miles from my mother's home on Peach, in Neighborhood II, and I hate to have to consider the impact of destroying our natural habitat and vegetation in this area, the elimination of the one road which gives access to the homes in Neighborhood II from the rear and the lack of space between the homes in Neighborhood II and your development plan. If your development project goes as planned, Neighborhood II will loose there things that have been enjoyed since the 1980's. Your consideration in this matter is appreciated.

Response III-118-5 This comment is acknowledged.

Letter No. III-119
Carole Bilsito
5704 Sycamore Drive
Rialto, California 92377

Comment III-119-1 [Form Letter No. III-1]

Response III-119-1 See Response No. III-1-1 through Response No. III-1-3.

Letter No. III-120
Gilbert Daab
[No return address was provided to these written comments]

Comment III-120-1 Mr. Joe Baca Jr. has previously stated that the amenities planned by this development will be a benefit to the public. That is inaccurate. The development is a closed community and is of no benefit to the general public. Also, there is talk that progress and development is great for everyone – this is not so, the Lytle Creek Ranch project is a perfect example of over development.

Response III-120-1 While use of certain project amenities will be limited to project residents and their guests, many of the project's features will be made available to both residents and non-residents. Those features include, but are not limited to public parks, school sites, joint-use areas and facilities, parkway improvements, and golf course improvements and expansion.

The term "over development" is not defined by the commentor and does not exist as a definable term in accordance with City and/or County policies. Of the approximately 2,447.3 acres comprising the LCRSP area, a total of 1,253.8 (51.2 percent) will be retained as open space.

Letter No. III-121
Gilbert Daab
[No return address was provided to these written comments]

Comment III-121-1 I am soliciting your help to stop the development of a proposed housing project called Lytle Creek Ranch in Rialto California. This project proposes to build approximately 8000 homes and other appurtenances in Lytle Creek Wash, a wash which in the past has flooded and washed out Highland Avenue and Baseline Road and killed people. How much sense does it make to build anything in a wild wash? Common sense tells you this is crazy from an environmental standpoint and from the risk of flooding standpoint.

Response III-121-1 See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns) with respect to the concerns regarding building near Lytle Creek.

Comment III-121-2 Our home and the adjacent homes are zoned for horses and there are many horse owners here. A development as proposed right to our property line will prevent the equestrian use as originally proposed. When we purchased our home 30 years ago, we were told that the wash was owned by San Bernardino County and the wash can never be developed. Unfortunately the County sold the land and it became private land.

Response III-121-2 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-121-3 The developer in conjunction with the City of Rialto is trying to turn the wash into a development which will severely impact hundreds of homes and traffic on Riverside Avenue, which the only road for existing and future traffic, will be severely impacted with more signals and many more vehicles. The existing homes are on one half to one acre of land and the developer is proposing up to 14 dwellings per acre for single family homes per acre and up to 28 per acre for multiple dwellings which is unacceptable. The development is planning on 25,000 new residents in this concentrated area which is 25% of the existing population. This is also unacceptable.

Response III-121-3 This comment is acknowledged.

Comment III-121-4 The City is primarily concerned with the tax dollars they think they will be generated from this development. The City and the developer are ignoring the negative impact the development will have on existing homes, people and Lytle Creek Wash.

Response III-121-4 In compliance with CEQA and the State CEQA Guidelines, the City prepared an extensive and detailed environmental analysis for the purpose of identifying the potentially significant environmental impacts associated with the proposed project, identifying mitigation measures which, if implemented, would eliminate or lessen those environmental impacts, and identifying alternatives which would accomplish most of the project's stated objectives but which might eliminate or lessen the project's significant or potentially significant environmental effects. The EIR analyzes, among other things, environmental impacts of the proposed project on existing residences in terms of land-use compatibility (Section 4.1), the impact of the project on Lytle Creek from a hydrology and water quality perspective (Section 4.4) and biological impacts (Section 4.5). The information presented in the project's CEQA analysis will be considered by the City's decisionmakers as part of their deliberations concerning whether to approve, conditionally approve, or deny the proposed project.

Comment III-121-5 The development would destroy about 5 miles by up to one mile of wash between Sierra Avenue and the easterly end of the El Rancho Verde golf coarse. This area is presently natural wash and habitat for wildlife and eliminating it creates an environmental nightmare. More area of the wash will be destroyed west of Sierra Ave.

Response III-121-5 The project proposes to construct a revetment along the entire length of Lytle Creek which will mitigate the flood hazard conditions described in the comment such as erosion, and overflow (pp. 2-50 through 2-51 and 4.4-83 through 4.4-84). The location of the proposed revetment is illustrated in the DEIR (Figure 2-16). The revetment will be constructed along the northernmost tip of each of the existing groin originally constructed by the USACE to form a uniform continuous southern bank along Lytle Creek. See Response Nos. I-16-5 and I-16-6.

Comment III-121-6 This area is subject to floods, strong windstorms and earthquakes. The wind storms will cause severe sand and dust storm problems for all the residents if denuding of the ground occurs.

Response III-121-6 Based on the size of the proposed project and the development phasing plan now proposed, other than through a substantial reduction in the size of the project or the imposition of severe constraints on the number of acres to be grading during any single daily period, the number of dwelling units and non-residential space to be painted, and the square footage of areas that could be paved on a daily basis, no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance. All feasible mitigation measures (Mitigation Measure 7-1 through 7-9) have been included herein. In addition, the project is subject to compliance with applicable SCAQMD rules and regulations concerning fugitive dust mitigation (e.g., Rules 402 and 403). Compliance with those requirements and implementation of the recommended mitigation measures will reduce but will not result in an avoidance of construction-term air quality impacts (see DEIR, pp. 11 and 4.7-66). See Response No. I-10-4 and Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-121-7 The best use of this land would be to remain as it now exists and possibly have it designated as Wilderness Area. The developer and the City of Rialto completely ignores the loss of life style and rights of the existing residents when they attempt to encumber the existing residents with far more new homes that should be built in the area.

Response III-121-7 As required by CEQA, a "no project/no development" alternative was included in the DEIR (pp. 7-9 through 7-10 and 7-17 through 7-18). The DEIR, however, indicated that the "no project/no development" alternative would fail to meet both the Lead Agency's and the Applicant's project objectives (p. 7-18). Ultimately, the DEIR concluded that "the 'no project/no development' alternative would ultimately be infeasible in that it would not be 'accomplished in a successful manner' over time because of the desire of the landowner to pursue some form of development of its property" (p. 7-18).

Comment III-121-8 We implore you to take whatever necessary measures that are possible to stop this rape of the land.

Response III-121-8 This comment is acknowledged.

Letter No. III-122
Gilbert Daab
[No return address was provided to these written comments]

Comment III-122-1 Attached for your consideration and attention is a copy of my letter to Mike Story, Rialto City Planning Dept. containing my comments regarding the Lytle Creek Ranch EIR.

Response III-122-1 This comment is acknowledged.

Comment III-122-2 1 – A levee system appears inadequate to handle expected flood waters. Did San Bernardino County Flood Control provide comments and what were they? A prior attempt to develop this same area included a concrete flood control channel. Floods in this wash have previously washed out both Highland Ave. and Baseline Road and in the process killed people. Also, was the US Corps of Engineers contacted and if so, what were their comments.

Response III-122-2 Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns).

Comment III-122-3 2 – Any attempt to build anything in a wild wash, but most definitely homes, does not make much sense. Common sense tells you this is crazy from an environmental standpoint and from the risk of flooding standpoint.

Response III-122-3 Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns). Furthermore, as indicated in Section 4.4 (Hydrology and Water Quality) in the DEIR, implementation of the proposed project, as mitigated, will not result in increased flood hazards and will not expose project residents, individuals employed on the project site, and/or other off-site areas, people, and property to significant project-induced flood-related hazards. See Response Nos. I-4-4, I-16-5, and I-16-8.

Comment III-122-4 3 – Traffic on Riverside Ave. will be severely impacted. Additional signals will delay thru traffic. What is the level of service for thru traffic for Riverside traffic and did the County of San Bernardino Traffic Dept. agree with the figures shown in the EIR? The projected vehicle trips for Neighborhoods 2 and 3 of 12,483 appears understated based on over 8000 new residences being added to the traffic.

Response III-122-4 The level of service for each traffic movement at all study intersections, including through movements, are specified in the worksheets in Appendix F of the Traffic Impact Analysis (TIA), included in Appendix II (Traffic Impact Analysis) of the DEIR. As listed in the TIA (TIA, pp. 4-5), the analysis includes a total of nine intersections along Riverside Avenue. The analysis was conducted using standard traffic engineering techniques and provided a conservative estimate of project traffic volumes. The TIA was performed under the City guidelines which conform to the "San Bernardino County Congestion Management Plan, 2005 Update" (County CMP) requirements. The County is a member of the San Bernardino Associated Governments (SANBAG) which has adopted these requirements.

Comment III-122-5 4 – A very important issue for existing homes adjacent to Neighborhood 2 is that they are zoned for horses and there are horses here. This adds to the monetary value of the homes. The thyme of open space, piece and quiet and country atmosphere adds to the quality of life for the existing residents and it is why most of us are here. The development as

proposed right to our property line will prevent the equestrian use and lifestyle we enjoy. This project and the EIR completely ignores this problem. Building thousands of houses crammed into this area is not what this area is planned for or needs.

5 – The existing homes mentioned above have a dirt road at the rear of the property that provides access to the property and supports equestrian activities. This road has also been used for safety issues such as fire, police and the West Valley Water District. This road has been used without restrictions for 30 years and has been completely ignored by this project.

Response III-122-5 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-122-6 6 – The construction of anything in the wash will result in denuding of the ground. Strong wind storms that we have in the area will cause sever sand and dust problems for all the homes in the area. Saying the contractor will be responsible for this problem is not the answer to this problem.

Response III-122-6 See Response Nos. I-10-4 and III-121-6 and Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-122-7 7 – The loss of life style for existing homes when they are encumbered by way many more homes than should be built in the area will cause devaluation of the existing homes. The EIR, the developer and City completely ignores this problem.

Response III-122-7 See Response No. I-10-6.

Comment III-122-8 8 – As habitat is taken over by development wildlife becomes a problem for home owners. This has happened in many areas and will happen here if this project is allowed to proceed. This is ignored in the EIR.

Response III-122-8 Residential development near areas with wild animals has the potential to create human/wildlife conflicts for homeowners. Some wildlife (e.g., snakes, raccoons, coyotes, and plant-eating animals) can become a nuisance by damaging gardens and lawns, by attacking pets, or in very rare cases by attacking humans. Such conflicts are generally manageable with normal "common sense" actions, such as keeping pets in protective enclosures, using fencing to reduce risk, and taking personal precautions when people are outside in areas where aggressive or potentially harmful animals might be present. This situation is common in many parts of California. An EIR is intended to analyze a project's potentially significant impacts on the environment, rather than common precautions expected to be taken by future homeowners to reduce risk from living near areas with wildlife.

Comment III-122-9 9 – Homes in our area are on one half to a full acre of land and the plan have up to 28 dwellings per acre in this new development is ludicrous. Also, contemplating 25,000 new residents in this development will over populate the area and probably overburden the City to provide the necessary services to the public.

Response III-122-9 The fiscal impacts of the proposed project that will result from annexation of the project site into the City have been examined in a fiscal impact report submitted to the City for its consideration. See Response I-15-2.

Comment III-122-10 10 – The EIR down plays the endangered species. However; other studies done by Fish and Wildlife have shown the area to be habitat for endangered species depending on the weather conditions. The Fish and Wildlife Service in the Federal Register (50 CFR Part 17) dated October 17, 2008 unequivocally states that the area included in the Lytle Creek Ranch contains critical habitat for the San Bernardino Kangaroo Rat.

Response III-122-10 See Response No. II-2-3. The potential impacts to endangered species were fully analyzed and addressed in the DEIR (Section 4.5) and in the BRA. The DEIR discusses the USFWS designations of critical habitat for the SBKR on the project site. See Response Nos. I-9-24 and I-9-25.

Comment III-122-11 11 – This development is in the middle of a strong wind area and any development of this area will be a problem for new and existing homes with flowing dust and sand.

Response III-122-11 See Response No. III-121-6.

Comment III-122-12 12 – Existing properties adjacent to Neighborhood 2 have a restriction on them that prevents any permanent structures on the rear of the property because of possibilities of flooding. This seems incompatible with the proposed development s is planned.

Response III-122-12 See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns) and Response No. III-116-2.

Comment III-122-13 13 – The EIR states that the no project alternative cannot be assumed to constitute a feasible alternative for the sites long term use. This is ridicules, the no project is absolutely the best use of this land from the existing home owners and environmental point of view. Even the EIR states that no build option is superior environmentally.

Response III-122-13 See Response No. III-121-7.

Comment III-122-14 14 – The developer should be responsible for providing long term mitigation of the lands habitat. The EIR is vague and does not make this a requirement.

Response III-122-14 In response to the loss of sensitive on-site habitat areas, specific enforceable mitigation (Mitigation Measures 5-1 through 5-7, pp. 4.5-164

through 4.5-172) has been included in the DEIR and will become binding obligations upon the Applicant. Those mitigation measures are specific as to the nature and type of compensatory resources which are required. In addition, a "Mitigation Reporting and Monitoring Program" (MRMP) has been developed specifying the Applicant's obligations with regards to timing and identifies the City personnel response for ensuring compliance (pp. 72 through 76).

Comment III-122-15 15 – The project is far to large and should not be considered viable by the Rialto Planning Dept. and the City Council. Consideration needs to be made as to whether these Neighborhoods could be viable based on the impacts on the environment, on existing residents and on traffic.

Response III-122-15 This comment is acknowledged.

Comment III-122-16 16 – There is no project with the existing zoning. The City of Rialto Planning Dept. can and should stop this project by not approving revision of the zoning. This would conform to the wishes of hundreds of existing home owners affected by this project.

Response III-122-16 The DEIR presents an analysis of a "no project/existing zoning designation" alternative (pp. 7-18 through 7-23). As indicated therein: "Although existing zoning ordinances do not constitute actual entitlements allowing the underlying property owner to proceed with development in accordance therewith, zoning policies can be interpreted as indicative of the nature of the land uses and development intensities that the municipality with jurisdiction over those lands seeks to promote. Development consistent with those land-use designations and intensities could likely proceed merely through the approval of subdivision maps" (pp. 7-19 through 7-20).

Included within the project boundaries are areas presently subject to the City-approved "El Rancho Verde Specific Plan" and the County-approved LCNPD (Tract 15900) and "Glen Helen Specific Plan." Based on existing land-use policies and in accordance with the City General Plan and City Municipal Code and County General Plan and County Development Code, the City estimates that 2,215 dwelling units and 1,097,418 square feet of non-residential development could be developed on the project site (Table 7-3, p. 7-19).

Comment III-122-17 17 – The limited supply of water is a constant concern. The Rialto Planning Dept. and officials need to recognize this fact and stop the development of projects such as this EIR proposes.

Response III-122-17 See Response No. II-2-4.

Letter No. III-123
Joe Chesley
5575 Sycamore
Rialto, California 92376

Comment III-123-1 Had it not been for a concerned neighbor who actively monitors local issues that may concern her, the City of Rialto may have been successful in "sneaking" through another middle of the night Land Development deal in what may appear on the onset to be collusion between the City and land developer Lytle Development Company. A proposed development, Lytle Creek Ranch, is to be located on 2,447 acres of land between the 15 and 210 freeways, along Riverside Avenue. As it was, she successfully notified other concerned El Rancho Verde Residents of an impending meeting to be held by the City within days concerning this so-called development. Our neighborhood is located within San Bernardino County and had it not been for this observant neighbor, we would have no idea of this proposed project. To reiterate we are not residents of the City and as a result, we were never informed of ANY proposed construction.

Response III-123-1 The City has fully complied with and exceeded the public outreach and notification requirements established under CEQA and City policies and procedures. In addition, the Lead Agency held the following two community meetings for the purpose of providing community outreach (not only to the City but to County residents) and conveying information about the project and the CEQA process: (1) El Rancho Verde Country Club (355 E. Country Club Drive, Rialto) on March 18, 2010; and (2) Ethel Kucera Middle School (2140 W. Buena Vista Drive, Rialto) on March 25, 2010. In addition, the City published a NOA in the "San Bernardino County Sun" on March 1, 2010. The NOA provided information about the project and information on how to participate in the CEQA process.

Comment III-123-2 Many of us long time residents of this neighborhood have been under the impression there could never be any type of construction done within the Lytle Creek area running behind many of our homes. An example being a number of homeowners' in the past have attempted to build upon the same area in question only to be told by the County that construction could NOT be done as the entire area falls within a defined Flood Plain and two fault lines. So we ask – how could this Developer suddenly appear out of nowhere with a Lytle Creek Ranch Specific DRAFT Plan dated 3/22/2010 appearing on the City's WEB Site just this week. The plan clearly illustrates years of planning and work with the City and NO input from this neighborhood at all.

Response III-123-2 The commentor contends that the City and the Applicant have not provided the community with an opportunity to provide input regarding the project. The City and the Applicant have engaged in a public planning process for the LCRSP over the last approximately four and one-half years. On November 15, 2005, at a duly noticed public meeting, the City Council of the City awarded a contract to Environmental Impact Services (EIS) to prepare the EIR for the LCRSP. The City Council authorized amendments to the City's contract with EIS in July 2008, June 2009, and February 2010, all of which occurred at duly noticed public meetings.

The City published a NOP of the DEIR on June 26, 2009 and held a public scoping meeting on July 28, 2009 in the City Council Chambers

(see Appendix I-A). On March 1, 2010, the City, as Lead Agency, published a NOA announcing the availability of the DEIR in the "San Bernardino County Sun," as required by Section 15087(a)(1) of the State CEQA Guidelines. The NOA directed that anyone wishing to comment on the DEIR could send "comments by mail or facsimile to: Michael E. Story, Development Services Director, City of Rialto" through April 15, 2010.

After the City made the DEIR available for public review, the City held two informational community meetings regarding the LCRSP. A meeting for the El Rancho Verde community and others was held on March 18, 2010, at the El Rancho Verde Country Club in the City. In addition, a meeting for the Las Colinas community and others was held on March 25, 2010 at the Ethel Kucera Middle School in the City. The City mailed flyers to hundreds of residents in order to inform the community about those meetings and solicited public participation regarding the LCRSP and the D. The City gave a presentation on the LCRSP at each of these meetings and invited the community to provide written comments on the DEIR on or before the end of the comment period established by the NOA and NOP. At each of those community meetings, electronic copies of the DEIR were made available to any member of the public that requested a copy. As attested to herein, during the 45-day public comment period, hundreds of community members provided written comments on the Draft EIR.

Going forward, the City will conduct an open, publicly-noticed hearing before the City's Planning Commission at which the public will be encouraged to express any and all concerns with regards to the proposed project and the EIR. The Planning Commission will consider all such comments before determining what recommendations to make concerning the proposed project. Additionally, the City will conduct another open, publicly-noticed hearing before the elected City Council at which the public will again be encouraged to express any and all concerns with regards to the proposed project and the EIR. The City Council will consider all such comments before determining what action to take concerning the proposed project.

Comment III-123-3 Our great concern to our group is the building upon any fault lines, of which two are known to exist. The environmental impact alone will destroy native plants, the many wildlife species', create new air pollution without adequate environmental reviews, no discussion of air pollution from off-road diesel engines during years of construction, the lack of explanation of available water sources, and finally a subject concerning the traffic discharge to effect Riverside Drive that will create a nightmare no one seems to want to discuss.

Response III-123-3 This comment is acknowledged. Each of the issues raised by the commentor have been thoroughly examined in the DEIR. With regards to seismic considerations, see Section 4.3 (Geology and Soils) (pp. 4.3-22 through 4.3-37, 4.3-40 through 4.3-78, and pp. 4.3-95 through 4.3-104). With regards to native plants and wildlife, see Section 4.5 (Biological

Resources) (pp. 4.5-17 through 4.5-49, 4.5-64 through 4.5-87, and 4.5-93 through 4.5-141). With regards to diesel emissions, see Section 4.7 (Air Quality) (pp. 4.7-26 through 4.7-32, 4.7-50 through 4.7-56, and 4.7-66 through 4.7-69). With regards to available water sources, see Section 4.10 (Utilities and Service Systems) (pp. 4.10-40 through 4.10-55). With regards to traffic along Riverside Avenue, see Section 4.6 (Transportation and Traffic) (pp. 4.6-53 through 4.6-73).

Comment III-123-4 And, to add insult to injury, we were told by the City we have until approximately the middle of April 2010 to respond to this plan. This is just another example of "big developers pouring millions of dollars into lobbying, advertising and campaign contributions in an effort to thwart Californians' desire for stronger safeguards for out wildlands, atmosphere and watersheds", to quote Sierra Club California recently.

Response III-123-4 This comment is acknowledged.

Comment III-123-5 See also: http://www.ci.riatlto.ca.us/development.4491.php Lytle Creek Ranch Specific Plan found on the City of Rialto WEB Page. Any assistance you may assist with will be greatly appreciated.

Response III-123-5 This comment is acknowledged.

Letter No. III-124
Joseph E. Chesley
5575 Sycamore
Rialto, California 92376

Comment III-124-1 The following comments are intended to amplify and supplement comments provided previously by this author. I offer these additional comments regarding the sufficiency of the DEIR. I reserve the right to add to my comments at a later date.

Response III-124-1 This comment is acknowledged.

Comment III-124-2 As a first matter, the proposed project plan unlawfully extends the jurisdiction of the City of Rialto into areas subject to the responsibility and jurisdiction of other public Agencies, including, but not limited to San Bernardino County, the Unites States Army Corps of Engineers ("Corps") as well as numerous other State, and Federal Agencies as well as and most importantly; the residents of El Rancho Verde neighborhood as it relates to lands and rights of ownership of property used and maintained exclusively for and by the El Rancho Verde neighborhood for equestrian property and rear entry gateways by those afore mentioned Homeowners. The proposed project involves an area currently zoned by San Bernardino County as equestrian property and cannot be changed without the approval of the residents.

Response III-124-2 The project, which is, in part, currently in the County of San Bernardino, is proposed to be annexed to the City. Upon annexation, the City will

assume land-use regulatory responsibility over the project site. With respect to the jurisdiction of the USACE, see Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns). With respect to the issue of property used by the El Rancho Verde neighborhood for equestrian uses, see Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-124-3 Current planned project clearly illustrates an antiqued design. There is no "green" construction techniques discussed such as: water conservation usage, gray water reusage, solar, wind (urban wind turbine), etc.

Response III-124-3 The project would employ numerous sustainable design features. See Response Nos. I-3-1 and I-3-2 for additional information and discussion.

Comment III-124-4 Conservation Easement. Also shown within the proposed project is the access gravel roadway that extends along the rear of properties that currently El Rancho Verde neighborhood residents have maintained for over thirty-years to access the rear of their properties. This area is erroneously being shown within the planned project as having new dwelling built upon this property. The proposed project area is also within a known earthquake zone having two known fault lines. Areas immediately within the area shown as NEIGHBORHOOD 2 falls within a known flood zone; area El Ranch Verde neighborhood residents have been restricted from building upon in the rear most section of our properties. If anything, this area should clearly show a conservation easement along this entire area to incorporate the roadway being for equestrian usage.

Response III-124-4 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-124-5 Significant Impacts: The protection of wildlife and creeks is directly related to public welfare and the degradation of the visual character of the site resulting from significant hydrology impact due to the creation of potential downstream flooding associated with the project.

Response III-124-5 This comment is acknowledged.

Comment III-124-6 The proposed project would appear to be one of the largest development projects in the history of Rialto. Substantial evidence emerges that the project would result in significant impacts to environmental resources and public services in the City.

Response III-124-6 See Response Nos. I-15-2 and III-1-2.

Comment III-124-7 Significant increase in demand for services and utilities that would result from the project, and the project's anticipated environmental effects on Rialto and surrounding areas, which include: significant levels of traffic, noise, and air pollution, the degradation of scenic landscapes, and the

removal of wetlands, creeks, and other sensitive biological resources makes this proposed project questionable at least as proposed.

Response III-124-7 This comment is acknowledged.

Comment III-124-8 Adequate water supplies are not available to serve the proposed project. No efforts are shown to maximize water conservation on the site – the project would result in significant impacts associated with water supply.

Response III-124-8 See Response No. II-2-4.

Comment III-124-9 The development of this proposed project in a potential flood zone and lack of a clearly thought out design strategy to address these hazards.

Response III-124-9 See Response Nos. I-4-4, I-16-5, and I-16-8 and Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns).

Comment III-124-10 The project would increase transit demand, and no transit service is presently available in the project area, the project would create a significant impact to transit.

Response III-124-10 The project would be a typical use for this portion of the Inland Empire. The project would require standard transit services. The Applicant and residents would contribute to normal transit funding programs. The TIA took into account all types of typical vehicles, including transit service. The transportation model used in the TIA analysis is based on total traffic on the roadway, including buses.

Comment III-124-11 The building intensity should be constructed on reduced acreage by building more horizontally instead of vertically. Therefore, the traffic, air quality, and noise impacts could be reduced substantially.

Response III-124-11 Transit-related impacts were examined in Section 4.6 (Transportation and Traffic) in the DEIR (pp. 4.6-42, 4.6-56, and 4.6-74).

Comment III-124-12 Several significant environmental impacts resulting from the project will cause a decline in property values in El Rancho Verde neighborhood.

Response III-124-12 See Response No. I-10-6.

Comment III-124-13 This area is known for wind storms that will be only worsened by this proposed project.

Response III-124-13 See Response No. III-121-6 and Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-124-14 Traffic and Congestion. The project would add several thousand vehicles to the local and regional roads during peak hour, the potential for conflicts with pedestrians and bicycles would substantially increase.

Response III-124-14 All project drivers would be under the jurisdiction of the California Vehicle Code (CVC) which requires yielding the right-of-way to bicyclists and pedestrians when and as specified in those regulations. The TIA determined the anticipated project traffic generation and impacts. No significant unmitigatable traffic impacts are anticipated to result from the proposed project.

Crain & Associates (CRAIN) prepared an update to the Traffic Impact Analysis (TIA), included in Appendix II-A (Traffic Impact Analysis) in the DEIR. CRAIN's "Expanded Traffic Impact Analysis Information for Lytle Creek Ranch Specific Plan" (CRAIN, May 18, 2010) (CRAIN May 18, 2010 TIA Update) is included in Appendix IV-K (CRAIN May 18, 2010 TIA Update) herein.

Comment III-124-15 The project would add substantial traffic and cause adverse impacts to Riverside Ave. This impact has not been explained in any detail. Any impacts should be lowered to less than before planned project levels.

Response III-124-15 Conditions at the intersections located along Riverside Avenue, a suburban surface street, determine the level of traffic impact along the corridor. As is standard traffic engineering practice, including for projects in the City, intersection traffic conditions were carefully analyzed. Table 4.6-12 (Project Study Area and County CMP Intersections LOS Summary – Future [2030] Traffic Conditions with Project plus Mitigation) in the DEIR (p. 4.6-78) and Table 12 (Intersection Level of Service [2010] with Project plus Mitigation) in the TIA (TIA, Table 12, p. 85) presents a listing of intersection conditions following mitigation. As that table shows, none of the project traffic impacts, including those along Riverside Avenue, would be considered significant upon implementation of the recommended mitigation measure.

Comment III-124-16 In closing, I submit this project should be canceled due to inadequate evaluations performed as it relates to the El Rancho Verde neighborhood and our roadway easement that has been in place for over thirty years.

Response III-124-16 This comment is acknowledged. See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-124-17 [Duplicate Copy of APRIL 9, 2010 Letter]

Response III-124-17 In the Lead Agency's file is a second copy of Mr. Chesley's letter. The first copy is date stamped April 12, 2010 and the second copy is date stamped April 13, 2010. Since the two letters appear identical, the Lead Agency has not again responded to the second copy.

Letter No. III-125
Joseph E. Chesley
5575 Sycamore
Rialto, California 92376

Comment III-125-1 We the people of the El Rancho Verde neighborhood are up in arms over a planned development tentatively being called Lytle Creek Ranch, which is to be located on 2,447 acres of land between the 15 and 210 freeways along Riverside Avenue. The development is estimated to consist of approximately 7,407 dwellings. I am soliciting your assistance to halt this project, the same project that was proposed in 2001 that the County of San Bernardino planners eyed skeptically. And at the time, neighboring City of Rialto "was alarmed at the "leap-frog development," the county planning commission report said. Pounding rains – or fires or mudslides or earthquakes – could choke escape routes and trap residents. So what has changed between 2001 and today? And now, the City of Rialto seems intent of shoving this project down our throats. Apparently, in 2001 the County of San Bernardino did not feel the project had merit and the project was never allowed to proceed for some reason.

Response III-125-1 This comment is acknowledged.

Comment III-125-2 Of great concern to us is actions taken by the developer, Lytle Creek Development Company, and the City of Rialto to all intents and purposes excluding our neighborhood from any advance notice or inclusion in any such discussions that will directly affect our community. We feel this ha been done purposely as we are County of San Bernardino residents and have no say so with any actions the City of Rialto may feel can be done in the name of progress.

Response III-125-2 See Response Nos. III-123-1 and III-123-2.

Comment III-125-3 Another crucial issue that requires additional review is the current zoning as it applies to the El Rancho Verde neighborhood. We are zoned as an equestrian area and the proposed project will inhibit upon those rights deeded to us over thirty years ago. The current proposed project clearly show mixed housing units being built directly upon areas currently in use by our residents as part of our equestrian tradition. As a community, we have constructed a gravel roadway we exclusively use for access to our rear property gateways. The zoning in our neighborhood is for one house per acre and the rear gateway is another deeded right now proposed to be eliminated through this project.

Response III-125-3 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Comment III-125-4 The proposed project also includes the construction of a revetment levee along the southern bank of Lytle Creek, spanning a distance of seven miles. In view of recent history concerning catastrophic levee failures, we feel this project brings about added distress for us and our downstream neighbors. We feel the unsympathetic out of town developer, Lytle Creek Development Company should care less about any future impact a major flood could bring to this area alone. The City of Rialto appears to only be concerned with tax dollars versus common sense.

Response III-125-4 See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns).

Comment III-125-5 Furthermore, the City of Rialto and Lytle Creek Development Company are ignoring the negative impacts upon multitudes' of many endangered species, and as the area presently is a nature habitat for wilderness plants and wildlife alike, eliminating it will create an environmental nightmare – a practice too commonly seen that needs to stop.

Response III-125-5 All of the project's potential impacts to sensitive wildlife species, plants, and vegetation communities were analyzed and found to be either less than significant or reduced to below a level of significance with the adoption of specified mitigation measures. Where long-term implementation commitments were found to be necessary to effectively implement a mitigation measure, those commitments were provided for in the measure and in the mitigation reporting and monitoring program (see Table ES-4 [Draft Mitigation Reporting and Monitoring Program]). See generally, Response Nos. I-9-6, I-9-8, I-9-9, I-9-11, I-9-20, I-9-21, I-9-24, I-9-25, I-14-16, and II-1-3.

Comment III-125-6 In closing, we implore you to question the feasibility of building such a project directly upon two known fault lines, the poor Air Quality as a result of poor management of off-road diesel equipment, undetermined amounts of dust and debris added to our air pollution will only continue to degrade our beautiful area. And not to mention the huge amount of traffic that occupants' of 7,407 dwellings will have upon Riverside Ave., the only proposed route into and out of the project.

Response III-125-6 With respect to the comment regarding the geotechnical considerations (fault lines), the potential impacts associated with geotechnical issues (e.g., earthquakes) was addressed in Section 4.3 (Geology and Soils) in the DEIR and Mitigation Measures 3-1 through 3-4 were recommended for adoption to ensure that all new development proposed on the project site be consistent with the recommendations of geotechnical studies and geologic reports. Mitigation Measure 3-3 prohibits the placement of habitable structures on areas located with the Alquist-Priolo Fault-Rupture Hazard Zones and prospective purchasers of real property with the LCRSP will be provided a copy of the County's Hazard Overlay Map disclosing the potential presence of seismic hazards as proposed in Mitigation Measure 3-4.

With respect to the concerns regarding building near fault lines, see Response No. III-123-3. With respect to the expressed air quality concerns, see Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-125-7 I eagerly await your reply.

Response III-125-7 This comment is acknowledged.

Letter No. III-126
Joe Chesley
5575 Sycamore
Rialto, California 92376

Comment III-126-1 A quick reflection on my thoughts/opinions of the Lytle Creek project – If the City County would actually read and ponder these thoughts. Lets go beyond the problems of (1) Pollution: (winds 60 to 80 MPH with the sand blowing – ruining windows, decore of the existing homes, sandblasting cars)

Response III-126-1 See Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-126-2 (2) Traffic: for some reason this project brings all vehicles onto Riverside Ave (estimating probably 25,000 pop. @ 2 cars = 50,000 vehicles, mind blogging the traffic jams this is going to occur).

Response III-126-2 Some areas, such as Neighborhood I and its traffic, would not be concentrated on Riverside Avenue. However, see Table 9 (Intersection Level of Service Summary Future [2030] Traffic Volumes) in the TIA (TIA, Table 9, p. 66) for a listing of the Future Conditions With and Without the Project at all study intersections, including those along Riverside Avenue. Table 4.6-12 (Project Study Area and County CMP Intersections LOS Summary – Future [2030] Traffic Conditions with Project plus Mitigation) in the DEIR (p. 4.6-78) and Table 12 (Intersection Level of Service [2010] with Project plus Mitigation) in the TIA (TIA, Table 12, p. 85) presents a listing of intersection conditions following mitigation.

Comment III-126-3 (3) Flood plan; I know with this leeve system that is designed to accommodate huge amounts of water (I delivered to New Orleans after Katrina) those were extensive levees that were designed to withstand hurricanes, floods etc. Look what happened there. You can't imagine unless you've been there. Unimaginable! I understand this levee of dike system would accommodate the project, presumably. But what effect would this dike/levee have further down Lytle Creek wash towards Muscoy.

Response III-126-3 See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns). The project proposes to construct regional flood control improvements to address the existing conditions as described in this comment (see Section 2.7.2 [Levee Improvements] and Section 2.7.3 [Conceptual Master Drainage Plan]). The project proposes to construct a revetment along the entire length of Lytle Creek which will mitigate the flood hazard conditions described in the comment such as erosion and overflow (pp. 2-50 through 2-51). The location of the proposed revetment is illustrated in the DEIR (Figure 2-16). The revetment will be constructed along the northernmost tip of each of the existing groin originally constructed by the USACE to form a uniform continuous southern bank along Lytle Creek. (p. 2-50). A preliminary design study for the proposed revetment has been provided to the San Bernardino County Flood Control District for

their review. The design of the project's flood control facilities was based upon the "Preliminary Master Plan of Drainage and Stormwater Management – Lytle Creek Ranch Project" (PACE. November 2007, revised June 2008, revised November 2008) (see Technical Appendix III-C-D). That study used the County Rationale Method to perform the hydrology analysis and was consistent with the "San Bernardino County Hydrology Manual" (August 1986) (see DEIR at page 4.43-80).

As a matter of clarification, the flood control improvement proposed by the project is more properly characterized as a revetment as opposed to a levee. A levee is constructed for those situations where the water level on the creek or water body side of the levee is higher than the ground level of the development area on the land side of the levee. That is not the physical condition on the project site. The project proposes to elevate the development area on the land side of the levee which will result in it being at a higher elevation than the water level on the creek-side of the facility. Because of the elevation difference, the structure is more properly characterized as a revetment, not a levee. The revetment will be designed and constructed to meet FEMA criteria.

Comment III-126-4 (4) In my personal #1 greviance toward this Lytle Creek development is the endangered and threatened wildlife & plants. There's a wonderful wilderness area that shouldn't be disturbed for the sake of rooftops or the #1 factor for the City of Rialto "Taxes." Come on Council don't sell out for the sake of money.

Response III-126-4 This comment is acknowledged.

Comment III-126-5 (5) There was a column in the S.B Sun about the El Rancho Verde residents angry about this project, I think a better word to describe "us" is concerned. At the end of the article one of Council people said that the project is good for the City of Rialto. He mentioned different in his opinion what was good for instance: The immentities such as walking area (not in our area) parks, schools, retirement ctr, but the people of Rialto can't use these conveniences de to the fact this a gated community and a Home owners Asc. fees, which would be charged, therefore off limits for anybody but residents or guests.

Response III-126-5 While use of certain project amenities will be limited to project residents and their guests, many of the project's amenities will be made available to both residents and non-residents. Those features include, but are not limited to, public parks, school sites, joint-use areas and facilities, parkway improvements, and golf course improvements and expansion.

Comment III-126-6 So, in closing besides pollution, flood, earthquakes, mass traffic problems, cookie cutter housing, destroying 2,447 acres of natural habitat, mind boggleing problems that haven't even been tough of as yet. I can't think of anything nice to say about this project, not one person have I discussed this with is for it. If you actually represent the "people" you should in good conscious halt this project. The only benefit is good

old fashion greed. Lytle Creek development makes their money they then leave. City of Rialto makes more taxes. In my opinion the people obtain nothing from this project going forward. Don't just throw this letter away without reading and pondering what a normal resident of El Rancho Verde thinks. My spelling is terrible thank you for reading this.

Response III-126-6 This comment is acknowledged.

Comment III-126-7 P.S. I am also enclosing this map of a hearing by the fish and wildlife dated October 17, 2008 where as the Lytle Creek development tried to get this critical habitat over turned, so they can turn this area into a housing development. Note this area borders the rear of my house, runs from Highland Ave all the way to I 15. Encompass the Lytle Creek and right up to my back yard. As I wrote on the map if this is critical habitat why are they still being allowed to build here? If you Council people actually live in Rialto, how can you support this?

Response III-126-7 The designation of critical habitat by the United States Fish & Wildlife Service (USFWS) on private property does not restrict or prevent the use of that property by private individuals. This can be a common misperception. For a general discussion of critical habitat, see the DEIR (pp. 4.5-2 through 4.5-3).

Letter No. III-128
Maria Cramer
5886 Sycamore Avenue
Rialto, California 92377-3910

Comment III-127-1 After reviewing the proposal referenced above, I note that page 13 of the "Executive Summary" for the referenced plan indicates: "Based on those existing zoning designations, a total of 2,215 single-family dwelling units and 1,097,418 square feet of commercial and light industrial development would be constructed, primarily in Neighborhoods II and III. In contrast, under the proposed LCRSP, a total of 8,407 units and 849,420 square feet of non-residential development, in combination with other public facilities (e.g., new school sites), would be authorized." The proposed plan would almost quadruple the amount of residential units, increasing the population to close to 25,000 – all of whom will have to spill out onto Riverside Avenue as the main thoroughfare. This factor alone should question the validity or more specifically the viability of this project as presented.

Response III-127-1 This comment is acknowledged. As discussed in the DEIR, absent the proposed specific plan, development of the project site could proceed under the authority of existing City and County land-use policies, including those associated with the City-adopted "El Rancho Verde Specific Plan" and the County-adopted "Lytle Creek North Planned Development" and "Glen Helen Specific Plan." In order to provide a comparison between the proposed project and development under an "existing zoning designation" scenario, the DEIR examined a "no

project/existing zoning designations" alternative (pp. 7-18 through 7-23). While similar significant air quality and noise impacts would be anticipated, under this alternative, the project's growth-inducing impacts would be reduced to a less-than-significant level. For the reasons stated in the DEIR, the "no project/existing zoning designation" alternative was deemed to be "environmentally superior" to the proposed project. The DEIR does, however, indicate that this alternative may have "greater land-use impacts than the proposed project in that it would be developed in accordance with existing zoning which includes several different specific plans and planned developments under different jurisdictions. The project site would, therefore, not be developed under one comprehensive development plan and would conflict with the City General Plan which envisions the area developed pursuant to a comprehensive specific plan" (p. 7-22).

Comment III-127-2 Along with the above, the mere fact that a good portion of this development will take place in an alluvial fan with the risk of flood threats and the destruction of natural wild life should warn the City of Rialto that the project as presented is not the optimum use of this property.

Response III-127-2 With respect to the concerns regarding flooding, see Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns). With respect to the concerns regarding wildlife, see Response No. II-2-3.

Comment III-127-3 I recognize the owners of this property have a right to build on their property, however, we, the citizens of this community look to our government agencies to judicially protect use. Do you really wish to have the whole of Rialto covered with "two story residential boxes" on minimum lots with no place to park their cars and pick-up trucks parked in the street in front of the houses, the houses having been placed so close to the street that there is little room to even park in their driveways.

Response III-127-3 This comment is acknowledged.

Comment III-127-4 The City of Rialto now has an opportunity to be ready for the demand of the future. There is an overabundance in this immediate area of exactly the type of construction that is proposed for this development and many of the proposed new owners will be looking for a yard for their children, a place large enough to have a swing-set, to play a little badminton. The LCRSP plan calls for extremely dense construction with Green Belts. In driving through projects of this type, do you ever see anyone using these so called parks. I can tell you NO. The only areas used are the soccer fields or baseball fields and only for competition. People are afraid to send their children to the parks.

Response III-127-4 This comment is acknowledged.

Comment III-127-5 The original community development plan leaves the area with natural habitat, a place where you can see nature first-hand without having to pay any Mello-Roos fees, etc.

Response III-127-5 This comment is acknowledged.

Comment III-127-6 Protect the City from future law-suits, turn down this proposed development. This land was "flood control land". It would be interesting why this status was changed, perhaps someone was "paid off" in the eighties. Our area has such a history of corruption. Could we be in the same category as the "Colonies"? That area should have never been developed because of the flood threat and the future will bear this out. Do you remember the Harrison Canyon problem? Yes, there is a park there now, the houses flooded out.

Response III-127-6 See Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns).

Comment III-127-7 The Owners have an idea that could easily be expanded and which no doubt would be very saleable at this time and provide a business impetus also for the City of Rialto. With the 210 freeway access, we should be promoting the over 55 adult community (not in the wash though). A nice development along the idea of "Sun Lakes" in Banning would bring immediate revenue to the City as seniors have a tendency to use local restaurants and shops. People that have been pent up in cities would love to retire where they could live in single family houses and see and enjoy a natural habitat with some breathing room.

Response III-127-7 As proposed, much of Neighborhood II would be developed as an "age-restricted "active-adult" community. As described in the DEIR, although the State's growth projection may have been tempered by the current economic climate, as reported by the California Department of Housing and Community Development, "California's population will likely reach 40 million by 2010. The greatest increases in population growth are expected to be for those over 65 years of age and under 19 years of age" (p. 4.2-12).

Comment III-127-8 Rialto does not need any more multi-family housing. Other areas are fighting multi-family housing and it inherent problems, why would you want to assume those problems so a developer can make a profit. Developer leaves, City suffers.

Response III-127-8 This comment is acknowledged.

Comment III-127-9 BE WISE – TURN THIS PROJECT DOWN AS PRESENTED. DO NOT BE USED BY A DEVELOPER. THE FUTURE OF RIALTO WILL BE DETERMINED BY THIS DECISION. DO YOU WANT TO BE A CITY FULL OF SMALL LOTS AND CROWED IN – A PLACE FOR FUTURE PROBLEMS OR WOULD YOU PREFER TO HAVE A NICE AREA THAT YOU CAN BE PROUD TO SAY THIS IS WHERE YOU LIVE AND WORK?

Response III-127-9 This comment is acknowledged.

Letter No. III-128
Lynn Boshart
5529 Larch Avenue
Rialto, California 82377

Comment III-128-1 [Form Letter No. III-128]

On the southern border of neighborhood II within the Lytle Creek Ranch Specific Plan and more precisely from the end of the golf course westwardly about 26 lots, are horse property toward the rear of the lots. At the time these lots were built on and sold, approximately 35 to 50 years ago, the area to the north was considered a 100 year flood plain and the land owners were told that the land would not be built on in the future because of its flood designation and the unstable geologic conditions. Access to the back of these lots and the horse property was achieved by way of a dirt road adjacent to and just north of the back lot lines. Any aerial photo of the area clearly reveals this well used road. The road has been used by all owners for ingress and egress since the homes were built. The common uses of this roadway, was for animal and trailer transportation, animal feed, and for maintenance of the property. Maintenance of this roadway has been taken care of by the landowners as needed to provide a usable surface for vehicles and horses. Neighborhood II, within the proposed LCRSP, indicates that access along this road is being eliminated by the development. If this is allowed to happen, then all of the horse property landowners are land locked to their property and can no longer access the back of their lots as they have for the last 35 years. This is a text book case of a Prescriptive Easement. It is a well-established law that: the open, continuous and uninterrupted use of a road over the lands of another under bona fide claim of right, and without objection from the owner, for a period of ten years, creates in the user of such road a right by prescription to the continued use thereof. Syllabus Point 2, Post v. Wallace, 119 W. Va. 132, 192 S.E. 112 (1937). The manner in which a prescriptive easement may be used is defined by the manner in which the easement was used historically. "The character and purpose of the easement acquired by prescription are determined by the use made of it during the prescriptive period." Syllabus Point 3, Burns v. Goff, 164 W. Va. 301, 262 S.E.2d 772 (1980). Establishment of a prescriptive easement, in reality, is failure of the record owner of the property to file suit against an adverse user within the status of limitations. The record owner must file an action for ejectment of the adverse user prior to the time limits set by AS 09.10.030. AS 09.10.030 mandates a ten year statute of limitations for the owner to initiate a suit to remove the adverse user. On the other hand it is the minimum time the adverse user must meet the requirements for establishing the necessary prerequisites to bring a quiet tile action to obtain title to the easement. After that, the adverse user cannot be denied access to the back of their property. The Alaskan Supreme Court in Alaska National Bank v. Linck, 559 P.2d 1049, 1052 interpreted AS09.25.050 (the color of title statute of limitations) as requiring a three concept test: (1) the possession must have been continuous and uninterrupted; (2) the possessor must have acted s if he

were the owner and not merely one acting with the permission of the owner, and (3) the possession must have been reasonable visible to the record owner. This situation needs to be addressed and corrected prior to approval of any development seeking to establish residential housing in place of the area which has been used for roadway purposes for the last 35 years.

Response III-128-1 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

Letter No. III-129
James A. Schmitt
5667 Sycamore Avenue
Rialto, California 92377

Comment III-129-1 I James A. Schmitt am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long. The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre. Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them. Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area? The Lytle Creek Ranch project must NOT go forward as proposed. Signed James A. Schmitt. Address 5667 Sycamore Ave. Rialto, CA 92377

Response III-129-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-130
James A. Schmitt
5667 Sycamore Avenue
Rialto, California 92377

Comment III-130-1 [Form Letter No. III-128]

Response III-130-1 See Response III-128-1.

Letter No. III-131
James A. Schmitt
5667 Sycamore Avenue
Rialto, California 92377

Comment III-131-1 I, James A. Schmitt, am a resident of the El Rancho Verde County Cub Estates. I was born and raised in the city of Rialto 64 years ago. I have seen it change from a small community with lots of orange groves and grape vineyards, and a relatively small number of residents, to one that has overgrown it's size limitation and is unable to take care of its own concerns. I have seen the City of Rialto through the eyes of a child, of a student, and also a husband and father. I returned to Rialto after college to marry and start a family. After my military service, during the Viet Nam war, I again returned to Rialto. I retired from the Rialto Police Department in 2006. Through the last 56 years I have seen the good, bad, and the ugly of this town. This town has always been my home. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. During my residency here, I have seen tow other proposed Developments for the area listed as Neighborhood II, in the current LCRSP and both of them failed to make it to the construction phase for various reasons. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5667 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. Some of the reasons I purchased my lot.

Response III-131-1 This comment regarding the commentor's background and concerns about the project are acknowledged. Public views from the general area where the commentor resides were evaluated in Section 4.13 (Aesthetics) in the DEIR. See Response No. III-117-4.

Comment III-131-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is

allowed to remain in LCRSP and the LCRSP is accepted, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Medium Density Residential (3-6 du/ac)/Recreational Golf Course to Single Family Residential is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-131-2 The comment addresses a component of the LCRSP that was discussed in the DEIR that establishes several overlay districts. The purpose of the overlay district is to provide greater flexibility as the LCRSP area is developed to be able to implement alternative uses that would be consistent with the goals and objectives of the LCRSP and compatible with surrounding land uses. The overlay identified in the comment is the "Single-Family Residential (SFR) Overlay" (SFR Overlay), as discussed in the DEIR (pp. 4.1-182 through 4.1-183) and in Section 5.4.1 in the LCRSP. This SFR Overlay would allow for the development of single-family residential homes at densities ranging from 2-14 dwelling units per acre (du/ac) in areas designated "Open Space/Recreation," as well as areas designated for schools, and "Open Space/Joint Use." The DEIR analyzed the land-use impacts of implementing the SFR Overlay (pp. 4.1-182 through 4.1-183). The DEIR determined that, based upon the thresholds of significance, the land-use impact of implementing this overlay would not be considered significant. The economic impact of placing residential uses adjacent to existing homes instead of retaining the golf course is not known and it is speculative at this point in time without further evidence or documentation to assume that there would be a decline in property value.

Comment III-131-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigation.

Response III-131-3 The comment describes the Fifth Amendment to the United States Constitution and the purpose of the Fifth Amendment to ensure that

private property not be taken for public use without providing for just compensation. Placing new residences next to the existing residences would not destroy the ability of existing homeowners to continue to use their property and would not diminish in value the existing residential uses so as to support a challenge under the Fifth Amendment. Nevertheless, the City is aware of these considerations and conducted an analysis of the environmental impact of this overlay which was included in the DEIR (pp. 4.1-182 through 4.1-183). It should be noted that the impacts addressed in the DEIR were physical, environmental impacts, not economic impacts such as impacts to a house's valuation.

Comment III-131-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-131-4 The comments regarding the potential economic effect of the overlay are acknowledged. "Economic or social effects of a project shall not be treated as significant effects on the environment" (Section 15131[a], State CEQA Guidelines. See Response Nos. III-131-3 and I-10-6.

Comment III-131-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-131-5 See Response No. III-121-6 and Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-131-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-131-6 Construction-term noise impacts were examined in the DEIR (pp. 4.8-24 through 4.8-28). While construction-related noise is recognized as adverse, based on the threshold criteria, construction noise is not deemed to be significant to nearby sensitive receptors. In compliance with the City Municipal Code, construction activities are confined to daytime hours and cannot exceed designated standards.

Comment III-131-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Response III-131-7 This comment is acknowledged.

Letter No. III-132
Lynn Boshart
[No return address was provided to these written comments]

Comment III-132-1

I, Lynn Boshart, a resident of El Rancho Verde Country Club Estates and Chair of the El Rancho Verde Municipal Advisory Council of San Bernardino County, am informing you of my position that the City Planning Department has failed to keep me specifically and the MAC board members generally appraised of the meeting held by the Major, City Council and Planning Department regarding the Lytle Creek Ranch Specific Plan. My telephone conversation and subsequent email correspondence with Christina Taylor, Associate Planner, began on March 20, 2008, over my concerns with the Lytle Development Company's proposed plan. She indicated that I would be kept informed of any activity with regards to Lytle Development, as would Supervisor Josie Gonzales' field representative Lisha Smith. Mrs. Taylor told me to write so that my letters through email would become part of the permanent file kept on Lytle Development and their plans, so that notification would be sent to me and Mrs. Smith should the Planning Department or the City Council have further negotiations with the developer. Now it is obvious that negotiations have been ongoing and that the Planning Department has failed to keep me, Supervisor Gonzales' office, and the Municipal Advisory Council for El Rancho Verde residents informed even after being specifically requested to do so, and a direct statement by a staff member that this would happen. Since I have nothing from the Planning Department or the city of Rialto that would keep me up to date on the proceedings between the Planning Department, Rialto and Lytle Development Company, please supply me with all notes, memos, emails, telephone conversation notes, copies of plans, including modifications, communications with the County of San Bernardino, LAFCO, and any other interested party concerning the Lytle Development Company and the Lytle Creek Ranch Specific Plan. Attached are copies of my original emails requesting to be keep "in the loop," regarding Lytle Development's plans and Mrs. Taylor's responses assuring me that that would happen. Thank you for your quick attention to this matter.

Response III-132-1

This comment is acknowledged. See Response No. III-123-2.

To the extent that the commentor elects to make a Public Records Act request, the City requests that the commentor submit a "Records Request Form" to the City Clerk's Office. The form is available at the City's website (http://www.ci.rialto.ca.us/documents/downloads/Records_Request_Form .pdf). Moreover, to the extent that the commentor wishes to be placed on the project notice list, the commentor will be added to the list. See also Response No. III-123-2.

Comment III-132-2

Thank you for taking the time to talk with me yesterday. Many thoughts regarding the proposed development come to mind and I hope that I can articulate them all here. If not, more will be sure to follow. These concerns are in no particular order other than as they come to mind. Concerns: (1) That there will be a loss of scenic view.

Response III-132-2 Public views from various vantage points in existing communities adjacent to the proposed project were evaluated in Section 4.13, (Aesthetics) in the DEIR. See Response No. III-117-4.

Comment III-132-3 (2) That there will be a loss of native habitat for birds, animals, insects, reptiles, endangered and not.

Response III-132-3 See Response No. II-2-3.

Comment III-132-4 (3) That there will be a loss of an exclusive area, County Club Estates and the pleasure of homeowners [that] have horses, goats, chickens, etc.

Response III-132-4 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary) which addresses the comment regarding the loss of an exclusive area which is taken to mean an access road used for equestrian purposes.

Comment III-132-5 (4) That the proposed high density of homes will be in sharp and conflicting contrast to the homes that ex[isting]. The concentration of 8 to 14 homes per acre (and according to Mark Hischner, the highest density is what he expects to be approved) will be placed directly behind homes that exist one per acre currently. (5) That there will be noise, and light pollution where id does not exist now.

Response III-132-5 Adjoining land uses are "incompatible" when the operational characteristics of one use extends beyond the property boundaries and substantially impacts an abutting or other near-site property and when the requisite performance standards inherent in each use and/or the reasonable expectations of individual property owners cannot be feasibly satisfied through the introduction of design features, operational changes, or other actions (e.g., imposition of operating restrictions) (p. 4.1-118). Conversely, by definition, if all established development or performance standards can be satisfied and, in the absence of any public policy declaration or environmental constraints to the contrary, adjoining activities that individually and collectively meet or exceed their respective performance criteria and which do not infringe upon an abutting land use's ability to achieve its own standards would be deemed compatible (p. 4.1-119). Because all homeowners and tenants have reasonably similar requirements and expectations with regards to light, noise, and other intrusions into their homes, although they may occur at different densities, residential uses are generally mutually compatible. See Response No. I-10-6.

In recognition of the potential land-use compatibility impacts associated with both the placement of certain permitted land uses adjacent to other existing uses within the proposed LCRSP area, a mitigation measure (Mitigation Measure 1-1) has been formulated to reduce potential land-use compatibility conflicts associated with the contiguous placement of dissimilar land uses. Since the precise placement of uses and structures cannot be determined at this time, implementation of that measure would

serve to effectively reduce potential land-use conflicts to a less-than-significant level.

Comment III-132-6 (6) That the proposed "natural habitat" is pushed out into a dry riverbed (except when it rains) where little [or] no vegetation currently grows or could grow due to the rocky, poor soil that is left from the hundreds of years of water runoff occurring in the riverbed. The dry riverbed will not be able to support any of the animal wildlife, bird habitat that thrives today in the untouched densely grown areas of native plants adjacent to the riverside. (7) That the proposed development bulldozes mature native vegetation and vital habitat for numerous species, including but not limited to endangered species like the Kangaroo Rat, Delphi Sands flower-loving fly (which I have seen in my own backyard on numerous occasions), the Dudleya cymosa marcescens and numerous others.

Response III-132-6 The DEIR analyzed all of the project's direct, indirect, and cumulative impacts to upland plant and annual species (and habitats) found on the project site or expected to be present on the site. This analysis was based on an extensive and detailed BRA which included multiple years of surveying. See Response No. II-2-3. It should also be noted that the habitat proposed to be preserved in the "dry riverbed" referred to by the commentor contains alluvial fan sage scrub, a vegetation community that is considered sensitive by the CDFG and which provides habitat for various sensitive species, including the SBKR. Accordingly, in contrast to the view expressed in the comment, there is important biological value in the lands proposed for conservation by the project in the area of Lytle Creek within Neighborhoods II, III, and IV. Habitat is also proposed for preservation in Neighborhood I containing chamise chaparral, chamise chaparral/non-native grassland, southern willow scrub, among other vegetation communities (see BRA, Figure 18).

It should be noted that the project site does not provide suitable habitat for the endangered Delhi Sands flower-loving fly. The reader should note that the comment implying *Dudleya cymosa marcescens* potentially occurs on the project site is an error on the commentor's part. This species, as described in "Wildflowers of the Santa Monica Mountains, Second Edition (McAuley, Milt, 1996), is "endemic to the Santa Monica Mountains" which are approximately 100 miles to the west and south of Lytle Creek. The species has never been recorded near Lytle Creek, was not found in the study area during botanical surveys, and is not expected within the study area.

Comment III-132-7 (8) That this development will be environmentally destructive.

Response III-132-7 The DEIR acknowledges that the approval and implementation of the proposed project will result in a number of significant unavoidable adverse environmental effects, including air quality, noise, and growth inducement (pp. 11-14). All other identified environmental effects either do not manifest at a level of significance or can be mitigated to a less-

than-significant level through the implementation of those mitigation measures identified in the DEIR (see Tables ES-3 and ES-4).

Comment III-132-8 (9) That the designers/developers (Mark Hirchner specifically mentioned this to me) have never visited [or] walked the proposed site to know intimately the lay of the land, what is or isn't growing in the area they proposed to build upon or leave as a "natural habitat." (10) That the designers/developers have never viewed the existing homes and development in Country Club Estates to have even a rudimentary understanding of the impact a development of this size and scope would have on those who live in and enjoy the area where they have chosen to purchase a home. (11) That the designers/developers haven't considered how significant the loss of the bucolic lifestyle, th[at] cased people to buy here, will be on existing homeowners and the negative value the development will have on their home values. Instead of looking out over the vegetation of the wash to the hills beyond, we will be looking at a vast sea of roofs and roads as far as the eye can see.

Response III-132-8 The reference to "Mark Hirchner" is assumed to be a reference to Mark Hickner of the planning and design firm KTGY. KTGY are the Applicant's land planners for the proposed project. Mr. Hickner, others from his firm, and the consultants who have prepared the technical studies that were used by the City in preparing the DEIR have all visited the site and are familiar with the site, environmental setting, and physical characteristics. The comments regarding the current lifestyle is acknowledged. It should, however, be noted that the purpose of CEQA is to analyze physical impacts on the environment, not social or economic impacts. "Economic or social effects of a project shall not be treated as significant effects on the environment" (Section 15131[a], State CEQA Guidelines). The impact of the proposed project on views and aesthetics were examined in Section 4.13 (Aesthetics) in the DEIR.

Comment III-132-9 (12) Since this area is prone to high winds in excess of 50 miles per hour at times during more than six months of the year, the amount of dust that would be generated by the proposed development would be an unbelievable amounts, which could potentially cause great damage to the existing homes in the area. What recourse would the homeowners have if such damage occurred during construction, if such construction does happen? These certainly are not all the concerns that I or anyone else living in this area might have. Please feel [free] to contact me or give my name and number to anyone who would like to discuss the above.

Response III-132-9 With respect to concerns regarding high winds and dust, see Section 4.7 (Air Quality) in the DEIR and Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns) herein.

Comment III-132-10 The City hired a consultant firm (EIS) to prepare the EIR. As far as I know, Lytle Dev also owns the golf course. The Lewis group is involved with the Airport Redevelopment but not the Lytle project.

Response III-132-10 The City hired Environmental Impact Sciences (EIS) to assist the Lead Agency in the preparation and processing of the project's CEQA documentation. The golf course is owned by El Rancho Verde, LLC. The Lewis group is not involved in the Lytle project.

Comment III-132-11 Who exactly would be doing the EIR? When I viewed the project, the overview showed that the golf course would be involved in a redevelopment and that the Lewis group had purchased the course from Scott Beard and associated. This gave the impression that both Lytle Development and the Lewis group were working in tandem. Lisha does an excellent job. Those on the MAC board know what an asset she is to Joie Gonzales' office.

Response III-132-11 See Response No. III-132-10.

Comment III-132-12 Thanks for the update on the local flora. I will try to get out and see them. Just as a point of clarity the Lewis group is not involved in the Lytle project. The project applicants are identified as Lytle Development. As far as I know the EIR is still being worked on. We will be making a presentation before the MAC but things are kind of slow right now so I am not sure when this will occur. Don't worry we will keep your group in the loop. I have regular correspondence with Lisha Smith about stuff going on the City and I know she won't le me forget either! Talk to you soon.

Response III-132-12 This comment is acknowledged.

Comment III-132-13 The yucca are in full bloom now and will last a few more weeks then they are just dried out sticks. Since our rain this year was pretty good, there are hundreds or more out across this wash. I hope you can see them before they have finishing blooming. Is there an update on the Lewis Lytle Ranch project? We are still waiting to have a presentation to our MAC board and residents. Most seem to believe that this project never get going since a similar one was tried about ten plus years ago. However, if it does, I believe that the city and the project developers will encounter substantial opposition form those who live in the area and possibly from those who don't. All for now.

Response III-132-13 This comment is acknowledged.

Comment III-132-14 Thanks for the update. I have passed it on to the community members.

Response III-132-14 This comment is acknowledged.

Comment III-132-15 I was wondering if the city and the developer were any closer to bringing the project to our MAC anytime soon? I am sure there is a chain of events that must occur before this step; however, we want to be in the loop early on rather than later. I appreciate any update you can pass along.

Response III-132-15 This comment is acknowledged.

Comment III-132-16 The project is still being reviewed. But you are right, the housing market (and the market in general) is not good right now and I believe it has caused the timeline to be pushed out. Originally I thought we would be there in October or November but now I am not sure. I will keep in touch with you and Lisha from the Supervisors office. In the meantime, if you have any questions let me know.

Response III-132-16 This comment is acknowledged.

Comment III-132-17 Our next MAC meeting is tomorrow and I wanted to check with you and see if the developers of the housing project to take place behind El Rancho Verde County Club up to the 15 Freeway, was still being considered. If it is, do they have a time frame for presenting it to those of us who would be directly affected? With the down turn of the housing market, I realize that the viability of new homes isn't what it was over a year ago. Yet, we remain concerned about what could be built in the near future. Any up dates would be appreciated.

Response III-132-17 This comment is acknowledged.

Letter No. III-133
Melvin Myers
5651 Oliver Avenue
Rialto, California 92377

Comment III-133-1 [Form Letter No. III-1]

Response III-133-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-134
Tracey Robinson-Myers
5651 Oliver Avenue
Rialto, California 92377

Comment III-134-1 [Form Letter No. III-1]

Response III-134-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-135
Michael and Maria Kort
5761 Sycamore Avenue
Rialto, California 92377

Comment III-135-1 I, Michael and Maria Kort, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto _____ years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek

Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5761 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-135-1 This comment is acknowledged.

Comment III-135-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-135-2 See Response No. III-131-2.

Comment III-135-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to

the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions wven in the absence of legislation authorizing such litigation.

Response III-135-3 See Response No. III-131-3.

Comment III-135-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-135-4 See Response No. III-131-4.

Comment III-135-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-135-5 See Response No. III-131-5.

Comment III-135-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really

the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-135-6 See Response No. III-131-6.

Comment III-135-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Response III-135-7 This comment is acknowledged.

Letter No. III-136
Sofia Lee
5755 Sycamore Avenue
Rialto, California 92377

Comment III-136-1 I, Sofia Lee, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto 14 years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the

best you can for the established community as well as the new Development.

My residence is located at 5755 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-136-1 This comment is acknowledged.

Comment III-136-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-136-2 See Response No. III-131-2.

Comment III-136-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions wven in the absence of legislation authorizing such litigation.

Response III-136-3 See Response No. III-131-3.

Comment III-136-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-136-4 See Response No. III-131-4.

Comment III-136-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-136-5 See Response No. III-131-5.

Comment III-136-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-136-6 See Response No. III-131-6.

Comment III-136-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Response III-136-7 This comment is acknowledged.

Letter No. III-137
Billy C. Henry
5659 Sycamore Avenue
Rialto, California 92377

Comment III-137-1 I, Billy C. Henry, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto 14 years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5659 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San

Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-137-1 This comment is acknowledged.

Comment III-137-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-137-2 See Response No. III-131-2.

Comment III-137-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigation.

Response III-137-3 See Response No. III-131-3.

Comment III-137-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted

and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-137-4 See Response No. III-131-4.

Comment III-137-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-137-5 See Response No. III-131-5.

Comment III-137-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-1378-6 See Response No. III-131-6.

Comment III-137-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to

further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Response III-137-7 This comment is acknowledged.

Letter No. III-138
Mr./Mrs. C.W. Pound
5599 Sycamore Avenue
Rialto, California

Comment III-138-1 I, Mr. & Mrs. C.W. Pound, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto for _____ years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5599 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-138-1 This comment is acknowledged.

Comment III-138-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-138-2 See Response No. III-131-2.

Comment III-138-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions wven in the absence of legislation authorizing such litigation.

Response III-138-3 See Response No. III-131-3.

Comment III-138-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-138-4 See Response No. III-131-4.

Comment III-138-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-138-5 See Response No. III-131-5.

Comment III-138-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-138-6 See Response No. III-131-6.

Comment III-138-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of

people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Response III-138-7 This comment is acknowledged.

Letter No. III-139
Daniel C. Jost
5673 Sycamore Avenue
Rialto, California

Comment III-139-1 I, Daniel C. Jost, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto for 5 years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5599 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-139-1 This comment is acknowledged.

Comment III-139-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay

is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-139-2 See Response No. III-131-2.

Comment III-139-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigation.

Response III-139-3 See Response No. III-131-3.

Comment III-139-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-139-4 See Response No. III-131-4.

Comment III-139-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as

being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-139-5 See Response No. III-131-5.

Comment III-139-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-139-6 See Response No. III-131-6.

Comment III-139-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position

of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Response III-139-7 This comment is acknowledged.

Letter No. III-140
Henry E. Meyer and Judith O. Meyer
5637 Sycamore Avenue
Rialto, California

Comment III-140-1 I, Henry E. Myer, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto for 35 years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5599 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-140-1 This comment is acknowledged.

Comment III-140-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single

Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-140-2 See Response No. III-131-2.

Comment III-140-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions wven in the absence of legislation authorizing such litigation.

Response III-140-3 See Response No. III-131-3.

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Response III-140-5 See Response No. III-131-5.

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Response III-140-7 This comment is acknowledged.

Letter No. III-141
Virginia and Jon Bradley
5687 Sycamore Avenue
Rialto, California

Comment III-141-1 I, Virginia & Jon Bradley, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto for _____ years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5687 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

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Comment III-141-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

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Response III-141-3 See Response No. III-131-3.

Comment III-141-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-141-4 See Response No. III-131-4.

Comment III-141-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable

levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-141-5 See Response No. III-131-5.

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Response III-141-7 This comment is acknowledged.

Letter No. III-142
Virginia Bradley
5687 Sycamore Avenue
Rialto, California

Comment III-142-1

On the southern border of neighborhood II within the Lytle Creek Ranch Specific Plan and more precisely from the end of the golf course westwardly about 18 lots, are about 16 lots of approximately 1 acre in size. Thee lots all have areas designated as horse property toward the rear of the lots. At the time these lots were built on and sold, approximately 35 to 50 years ago, the area to the north was considered a 100 year flood plain and the land owners were told that the land would not be built on in the future because of its flood designation and the unstable geologic conditions. Access to the back of these lots and the horse property was achieved by way of a dirt road adjacent to and just north of the back lot lines. Any aerial photo of the area clearly reveals this well used road. The road has been used by all owners for ingress and egress since the homes were built. The common uses of this roadway, was for animal and trailer transportation, animal feed, and for maintenance of the property. Maintenance of this roadway has been taken care of by the landowners as needed to provide a usable surface for vehicles and horses. Neighborhood II, within the proposed LCRSP, indicates that access along this road is being eliminated by the development. If this is allowed to happen, then all of the horse property landowners are land locked to their property and can no longer access the back of their lots as they have for the last 35 years. This is a text book case of a Prescriptive Easement. It is a well-established law that: the open, continuous and uninterrupted use of a road over the lands of another under bona fide claim of right, and without objection from the owner, for a period of ten years, creates in the user of such road a right by prescription to the continued use thereof. Syllabus Point 2, Post v. Wallace, 119 W. Va. 132, 192 S.E. 112 (1937). The manner in which a prescriptive easement may be used is defined by the manner in which the easement was used historically. "The character and purpose of the easement acquired by prescription are determined by the use made of it during the prescriptive period." Syllabus Point 3, Burns v. Goff, 164 W. Va. 301, 262 S.E.2d 772 (1980). Establishment of a prescriptive easement, in reality, is failure of the record owner of the property to file suit against an adverse user within the status of limitations. The record owner must file an action for ejectment of the adverse user prior to the time limits set by AS 09.10.030. AS 09.10.030 mandates a ten year statute of limitations for the owner to initiate a suit to remove the adverse user. On the other hand it is the minimum time the adverse user must meet the requirements for establishing the necessary prerequisites to bring a quiet tile action to obtain title to the easement. After that, the adverse user cannot be denied access to the back of their property. The Alaskan Supreme Court in Alaska National Bank v. Linck, 559 P.2d 1049, 1052 interpreted AS09.25.050 (the color of title statute of limitations) as requiring a three concept test: (1) the possession must have been continuous and uninterrupted; (2) the possessor must have acted s if he were the owner and not merely one acting with the permission of the owner, and (3) the possession must have been reasonable visible to the record owner. This situation needs to be addressed and corrected prior to approval of any development seeking to establish residential housing in place of the area which has been used for roadway purposes for the last 35 years.

Response III-142-1 See Section 3.2.4.2 (Topical Response No. 2 - Access Road along Neighborhood II Southern Boundary).

See Response No. 128-1.

Letter No. III-143
Terry Martin
5815 Sycamore Avenue
Rialto, California

Comment III-143-1 I, Terry Martin, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto for _____ years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5815 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-143-1 This comment is acknowledged.

Comment III-143-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This

action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-143-2 See Response No. III-131-2.

Comment III-143-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigation.

Response III-143-3 See Response No. III-131-3.

Comment III-143-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

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Response III-143-7 This comment is acknowledged.

Letter No. III-144
Emily M. Munez
5607 Riverside Avenue
Rialto, California 92377

Comment III-144-1 [Form Letter No. III-2]

Response III-144-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-145
Cornel Jay Brothersan
6356 N. Lilac Avenue
Rialto, California

Comment III-145-1 [Form Letter No. III-2]

Response III-145-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-146
Irene Morse
230 Winslow Avenue
Rialto, California

Comment III-146-1 [Form Letter No. III-2]

Response III-146-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-147
Steve Loe
12569 Fifth Street
Yucaipa, California 92399

Comment III-147-1 Thank you for the opportunity to comment on this proposed plan. The Project and CEQA analysis are severely flawed from a biological standpoint. There needs to be some substantial dialog with the Fish and Wildlife Agencies and biological experts to make the project compatible with Threatened, Endangered and Sensitive Species, and discussions about the landscape linkages and corridors that would be impacted by this proposal. They have not been accurately addressed, and the conclusion that the project is mitigated to a level of insignificance for wildlife movement and T&E species is wrong. The project as currently proposed would result in the permanent loss of San Bernardino Kangaroo Rat from the wash and adjacent uplands after severe flooding. I suggest a meeting with the various agencies to attempt to modify the proposal and make design changes that would reduce the level of impacts. Currently, this project would have a significant impact on T&E species and on Wildlife Movement. Since I have been involved in the biology of this area for many years and have worked closely with the agencies involved in approval of aspects of this project, I would like to be involved in any meetings designed to develop mitigation that would reduce currently

significant impacts. Please contact me to arrange a meeting so I can help make the project more compatible with wildlife and help make the CEQA analysis accurate.

Response III-147-1 As explained in the DEIR, the Lead Agency has concluded that all potentially significant environmental impacts of the proposed project relating to biological resources (e.g., wildlife movement and threatened, sensitive and endangered species) have been identified and analyzed in the DEIR and, where those impacts have been found by the Lead Agency to be potentially significant, appropriate mitigation measures have been imposed to reduce the potentially significant impacts to a level below significance. See Response No. I-9-20. Regarding the expressed concerns for wildlife movement, the reader is referred to Response No. I-9-8 (under the subtopic "loss of connectivity between upland and stream channel") and Response No. I-9-20. Response No. I-9-8 also addresses concerns for the loss of upland refugia for the SBKR and the mitigation measures included in the DEIR. The DEIR explains the avoidance, impact minimization, and mitigation measures for the SBKR and why the DEIR concluded that the SBKR will be able to persist in the long-term in Lytle Creek with implementation of the proposed project (see pp. 4.5-134 through 4.5-137). See also Response No. I-14-9.

In addition, the reader is referred to Response No. I-9-10 for an acknowledgement and discussion of future consultation with the USFWS regarding the San Bernardino Kangaroo Rat and other threatened and endangered species found in the project study area. The DEIR also discusses this at pg. 4.5-3 and 4.5-171. Concerning the comment's request to be involved in any future meetings to discuss the project and its mitigation program, the request is noted.

Letter No. III-148
Marcia Lentz
5605 Larch Avenue
Rialto, California 92377

Comment III-148-1 As a concerned resident living in the El Rancho Verde neighborhood in North Rialto, I am responding to the Air Quality issues that were listed as significant in the Environmental Impact Report for the Lytle Creek Ranch Specific Plan. Impact 7-1 to 7-4 page 73 of the summary; This impact cites dangerous emissions of carbon monoxide (CO), oxides of Nitrogen (NOx), respirable and fine particulate matter and volatile organic compounds (VOC) during the construction phase which are above the SCAQMD recommendations. According to The Center for Community Action and Environmental Justice our region has one of the poorest ratings for Air Quality. It is unthinkable that intentional planned projects that further threaten the health of citizens would move forward knowing the current air quality statics. The impact remains significant after mitigation has occurred.

Response III-148-1 See Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-148-2 Impact 7-7; The project will located sensitive receptors within an area of localized cancer risk in excess of the SCAQMD significance threshold of 10 in one million. The toxic emissions including carcinogens which this project will produce will result in an increased risk of respiratory illnesses and cancer for our citizens. Current statistics for this area demonstrate there already is an increased incidence of asthma and other respiratory diseases attributable to air quality. A recent study at USC also links the incidence of malignant brain tumors to air quality.

Response III-148-2 See Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Comment III-148-3 The air quality impacts only address significant impact during the construction phase of the project which in total is estimated to be 20 years. These impacts will remain long after construction due to the increase traffic of approximately 25,000 vehicles. There are several schools in the area as well as senior citizens living here. Children and seniors are most vulnerable to pollutants in the air. This is demonstrated by the alerts that recommend children and seniors remain indoors when air quality is poor. As a Registered Nurse, I am very concerned about the health implications that this project may cause. I am also concerned about the availability of health care and other services with the influx of thousands of new residents. Our current systems are being challenged to provide critical services to our citizens.

Response III-148-3 In addition to construction-term air quality impacts, the DEIR also examined operational (pp. 4.7-70 through 4.7-102) and cumulative (pp. 4.7-102 through 4.7-191) air quality impacts, including impacts relating to greenhouse gas (GHG) emissions and global climate change, and consistency with the 2007 "Air Quality Management Plan." See also Section 3.2.4.3 (Topical Response No. 3 – Air Quality Concerns).

Letter No. III-149
Johne Boone
6356 N. Lilac Avenue
Rialto, California 92377

Comment III-149-1 [Form Letter No. III-2]

Response III-149-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-150
Charles J. Boone
6356 N. Lilac Avenue
Rialto, California 92377

Comment III-150-1 [Form Letter No. III-2]

Response III-150-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-151
Casey Jones
1033 W. Norwood
Rialto, California 92377

Comment III-151-1 [Form Letter No. III-2]

Response III-151-1 See Responses No. III-1-1 through III-1-3.

Letter No. III-152
Cindy Phillip
19491 Cheshire Street
Rialto, California 92377

Comment III-152-1 [Form Letter No. III-2]

Response III-152-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-153
Errol Phillip
19491 Cheshire Street
Rialto, California 92377

Comment III-153-1 [Form Letter No. III-2]

Response III-153-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-154
Damon DeNecochea
19491 Cheshire Street
Rialto, California 92377

Comment III-154-1 [Form Letter No. III-2]

Response III-154-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-155
Eric Van Hek
19537 Cheshire Street
Rialto, California 92377

Comment III-155-1 [Form Letter No. III-2]

Response III-155-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-156
Jaime Micelotti
19537 Cheshire Street
Rialto, California 92377

Comment III-156-1 [Form Letter No. III-1]

Response III-156-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-157
Gary Kelley
19507 Cheshire Street
Rialto, California

Comment III-157-1 [Form Letter No. III-2]

Response III-157-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-158
Steve Rodriquez
19463 Cheshire Street
Rialto, California 92377

Comment III-158-1 [Form Letter No. III-2]

Response III-158-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-159
Hannia Rodriquez
19463 Cheshire Street
Rialto, California 92377

Comment III-159-1 [Form Letter No. III-2]

Response III-159-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-160
Javier De La Torre
5698 Sycamore Avenue
Rialto, California 92377

Comment III-160-1 [Form Letter No. III-2]

Response III-160-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-161
Similzinia De La Torre
5698 Sycamore Avenue
Rialto, California 92377

Comment III-161-1 [Form Letter No. III-2]

Response III-161-1 See Response Nos. III-1-1 through III-1-3.

Letter No. III-162
Bobbie J. Rose
5604 Larch Avenue
Rialto, California 92377

Comment III-162-1 [Form Letter No. III-2]

Response III-162-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-163
Leland Baker
5915 Magnolia Avenue
Rialto, California

Comment III-163-1 [Form Letter No. III-2]

Response III-163-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-164
Shirley Baker
5915 Magnolia Avenue
Rialto, California

Comment III-164-1 [Form Letter No. III-2]

Response III-164-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-165
Liliana Maita
5804 Olive Avenue
Rialto, California

Comment III-165-1 [Form Letter No. III-2]

Response III-165-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-166
Victor Maita
5602 Sycamore Avenue
Rialto, California

Comment III-166-1 [Form Letter No. III-2]

Response III-166-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-167
Maria Maita
5602 Sycamore Avenue
Rialto, California

Comment III-167-1 [Form Letter No. III-2]

Response III-167-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-169
Lizzie R. Kelly
19507 Cheshire Street
Rialto, California

Comment III-168-1 [Form Letter No. III-2]

Response III-168-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-169
Margarida Valdez
19475 Cheshire Street
Rialto, California 92377

Comment III-169-1 [Form Letter No. III-2]

Response III-169-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-170
Paul Bishett
19508 Cheshire Street
Rialto, California 92377

Comment III-170-1 [Form Letter No. III-2]

Response III-170-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-171
Ross Baker
5915 Magnolia Aenue
Rialto, California 92377

Comment III-171-1 [Form Letter No. III-2]

Response III-171-1 See Response Nos. III-1-1 through III-1-3 above.

Letter No. III-172
Karen Odell-Clements
33252 Lotus Avenue
Yucaipa, California 92399

Comment III-172-1 I Karen Odell-Clements am a former resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family father brother and I now enjoy. This project does not take into consideration the existing

community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long. The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre. Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them. Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area? The Lytle Creek Ranch project must NOT go forward. Signed _____ Address _____.

Response III-172-1 See Response Nos. III-1-1 through III-1-3 above.

Comment III-172-2 I grew up at El Rancho Verde Country Club area enjoying the open space of the clubs golf course and at the time during the sixties and seventies of the years of nineteen hundred sixty four and on grapefruit goves and vine yards – I enjoyed many hikes in the wash – Do not take away the environment that the wildlife has enjoyed living in so many years - will contact the attorneys of the Sierra Club, Audubon and Wildlife Conservancy's to fight against this development. You did not see the effects of the 1968 floods that reck havoc on whomever was in its pathway through the wash.

Response III-172-2 This comment is acknowledged.

Letter No. III-173
Loren Rohde
5797 N. Sycamore Avenue
Rialto, California 92377-3966

Comment III-173-1 I, Loren Rohde, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto _____ years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I

am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5797 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-173-1 This comment is acknowledged.

Comment III-173-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-173-2 See Response No. III-131-2.

Comment III-173-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions wven in the absence of legislation authorizing such litigation.

Response III-173-3 See Response No. III-131-3.

Comment III-173-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-173-4 See Response No. III-131-4.

Comment III-173-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-173-5 See Response No. III-131-5.

Comment III-173-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is

ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-173-6 See Response No. III-131-6.

Comment III-173-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Letter No. III-174
Marjorie S. Coohey
5807 N. Sycamore Avenue
Rialto, California 92377

Comment III-174-1 I, Marjorie S. Coohey, am a resident of the El Rancho Verde County Cub Estates. I have lived in the city of Rialto 38 years. I have seen it change from a small community with a relatively small number of residents and very few problems, to one that has overcrowded and has big city problems. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parities. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5807 Sycamore Ave, which is adjacent to the existing El Rancho Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon

and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

Response III-174-1 This comment is acknowledged.

Comment III-174-2 The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternative overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Recreational Golf Course to Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action leaves the city liable for the difference in property value for each lot adjacent to the existing golf course.

Response III-174-2 See Response No. III-131-2.

Comment III-174-3 There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions wven in the absence of legislation authorizing such litigation.

Response III-174-3 See Response No. III-131-3.

Comment III-174-4 The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to

residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

Response III-174-4 See Response No. III-131-4.

Comment III-174-5 My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the tile "Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance." As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, "that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions would remain significant". "The project's recommended mitigation measures will not adequately mitigated the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for the construction-term CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been estimated as maximum allowable levels by governmental agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the governmental agencies and let everyone do as they want regardless of the consequences.

Response III-174-5 See Response No. III-131-5.

Comment III-174-6 As related to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise levels.

Response III-174-6 See Response No. III-131-6.

Comment III-174-7 I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is

presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emission levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with the number of people is mind boggling. A short time growth of that size is not healthy and is giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city. I thank you for your time and assistance in these matters and anxiously await your response.

Letter No. III-175
Albert Kelley
P.O. Box 844
Redlands, California 92373

Comment III-175-1 Sections within the Biological Summary 2-22 thru 2-23. Conclusions drawn for several species are at the best conjecture, at worst, terrible biology. The presence in multiple locations of Slender Horned Spineflower in 1994, now gone???????? May have had to do with several illegal levy alterations (Spirit of the Sage Intervention), so purposeful destruction needs to be considered. They are now found immediately east of El Rancho Golf Club all the way to County Preserve adjacent to Sheriff's Range. It IS a wet year, so, maybe, you should look NOW! San Diego Mountain Cover is also located at end of n. levee. Missed that too!.....Am including Dr. Mark Brunell's personal communication today concerning the ENDANGERED WOOLEY STAR ON-SITE that basically refutes consultant's sophistry differentiating the SAME plant's di-morphism! Gnatcatcher survey.....in July? They've already dispersed and are very 'un-vocal' then; I've taken several people including Matt Baker of ESRI to view Cal Gnatcatcher, Sage Sparrow, and Rufous-crowned on site; very glaring is the complete 'missing' Coastal Cactus Wren? Terrible biology! As a high-school teacher for 28 years, I'd have this crew go to summer school! Again, another missing person, the Burrowing Owl, here in 90's, now gone.....but outside of development footprint.....feral cats destroy wildlife within 100 ac. plots, so guess you'll have covenents against kitties? Water in creek either contaminated with lead and chemical dumping in Lytle Creek, but certainly NOT available to meet the needs of this ill-planned development. Did any of you read the Harshman book on flooding history? You've already destroyed the east-side which will only deposit MORE float to Orange County, but still not be allowed in the California Scheme! Rialto used to be the buffer from the surrounding ghettoes, but your lack of

wisdom will put you right in the mix to the destruction of your town and it's significant history!

Response III-175-1 As discussed in the DEIR (p 4.5-65) and BRA (BRA, pp. 56 and 60), three populations of slender-horned spineflower were found on the project site in 1994 during previous surveys conducted within an area that included the proposed project study area. These populations included 366, 92, and 9 individual plants. However, using protocols set forth by CDFG in the "Department Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities" (CDFG, August 1997), PCR conducted field surveys within all suitable habitat for the species in 2004, 2005, 2006, and 2007. Prior to conducting surveys, PCR used the Rancho Santa Ana Botanical Gardens (Gardens) as a reference site to ensure the species was blooming. In addition to consulting staff at the Garden, PCR also consulted Andrew Sanders, Curator at the University of California, Riverside Herbarium and reviewed his collection of the species. The species was not found during these more recent surveys and it would be speculative to suggest the species remains on the project site. CEQA specifically discourages speculation on the part of EIR preparers (Section 15145, State CEQA Guidelines). A plausible explanation for the absence of the species is provided in the BRA (p. 60). As stated therein, "the locations of the 1994 observations on-site may have been exposed to subsequent disturbances that render these sites unsuitable." Such disturbances could have either anthropomorphic (e.g., flood damage repair) or natural (e.g., stochastic flooding) origins. Given the dynamic fluvial processes that take place within Lytle Creek, it is not unreasonable to expect local extirpations and recolonizations elsewhere to occur. Of note, the records maintained by the California Natural Diversity Data Base (CNDDB) show no occurrences of the slender-horned spineflower in the area claimed in the comment.

With regard to the comment concerning the "wooley star," because the commentor did not attach the personal communication that he references as coming from Dr. Mark Brunell, the Lead Agency cannot respond directly to the comment. However, the commentor is referred to Response Nos. III-177-2 and III-177-3 which address the issue of the woollystar. In that response, it is explained that Dr. Brunell does not see evidence of the listed subspecies on the project site.

In the absence of citing the scientific name of the San Diego mountain clover, a specific response is not possible. Common names, as used in the comment, can vary widely depending on local use and are not consistently reliable. Of note, based on a review of the list of common names of plants included in the California Native Plant Society's (CNPS) on-line "Inventory of Rare and Endangered Plants," the San Diego mountain clover did not appear. See Appendix IV-J (PCR May 17, 2010 Technical Memorandum No. 2) herein.

The comment regarding California gnatcatcher surveys in July is confusing and is, perhaps, a misreading of the text in either the DEIR or BRA. Following the USFWS' "Coastal California Gnatcatcher Presence/ Absence Survey Guidelines" (USFWS, July 28, 1997), surveys were conducted in 2005, 2006, and 2007. All survey bouts in each of these years were completed during the period March 15 to June 30, pursuant to the protocol (BRA, p.18).

The BRA indicated that, with the exception of the California gnatcatcher, all of the bird species listed in the comment as having been "missed" are, in fact, listed as having been observed on the project site (see BRA, Floral and Faunal Compendia of the Biological Resources Assessment).

See Response Nos. I-14-10 and I-14-13 regarding the comment concerning unnatural predation by cats.

Regarding the comment about contaminated water in the Lytle Creek, there is no documentation of dumping of chemicals and lead in the creek. The DEIR contained an analysis of both construction and operational water supply for the project (pp. 4.10-36 through 4.10-38 and 4.10-40 through 4.10-55) and a water supply assessment was performed for the project (Appendix III-J). The project's water supply needs will be adequately met by the WVWD.

Regarding the comment on flooding history, see Section 3.2.4.1 (Topical Response No. 1 - Flooding Concerns).

The remainder of the comment is noted as it states a matter of personal opinion and does not address the analysis of environmental impacts in the DEIR.

Letter No. III-176
Mary H. McCombs
5702 Riverside Avenue
Rialto, California 92377

Comment III-176-1 I wish to express my strong opposition to the development plans for north Rialto known as Lytle Creek Ranch Specific Plan. I am a 60 year resident of Rialto now living on north Riverside Ave., where traffic is already a problem. I attended the presentation of the Pharris company held at the Rancho Verde Country Club. As you know the strong opposition to the proposals was definite, not to just phase two but to the whole project. I expressed my concerns at that time.

Response III-176-1 This comment is acknowledged.

Comment III-176-2 My primary concern is their other phases that would build 5,000 homes not only on Riverside Avenue but particularly on I-15 itself from Sierra Ave. north. Traffic congestion in this area on any weekend or later afternoon, with people heading for the high desert and the Cajon Pass is

credibly heavy, bumper to bumper, and backed up sometimes almost to the interstate 10. I have been caught in this mess more than once. Adding 3,000 more homes and stores to this congested area is almost a homeland security issue – complete bottleneck and obstruction. It is environmentally unsound. In addition, the drain on our scant water supply. The proximity to the San Andreas Fault and flood plain, fires in the Pass are a real concern. It is my understanding from the meeting, as pointed out by a County worker, that similar plans were turned down previously by the County Planning Dept. on these issues alone. We must act in a responsible way to deny this development. To approve it almost smacks of a "done deal". and possible litigation, certainly to be avoided. Orange County developers are not concerned about our congestion problems. They take their money and are gone. Attractive drawings are no substitute for responsible and concerning planning.

Response III-176-2 The project examined in the DEIR is comprised of up to 8,407 dwelling units and 849,420 square feet of general and specialty commercial, office, business park, light industrial, and other similar uses, plus other institutional, educational, recreational, and infrastructure-related uses. The potential direct, indirect, and cumulative impacts attributable to that project are examined in the project's CEQA documentation, as prepared by the City.

The proposed LCRSP project or similar development activity was not previously "turned down" by the County. Processing on a separate project, identified as "The Villages at Lytle Creek Specific Plan" (Lytle Creek Land & Resources Company, January 1995), which included a substantial portion of the project site, including the area of the adjoining LCNPD, was commenced by the City, including the preparation of a "Draft Environmental Impact Report for The Villages at Lytle Creek Specific Plan/Sunwest Reclamation Plan Amendment" (City of Rialto, February 6, 1996). That project was withdrawn by the project proponent prior to being heard by the City of Rialto City Council.

The City has made no predetermination concerning either the proposed project or its accompanying CEQA documentation.

Comment III-176-3 I urge you to deny this plan.

Response III-176-3 This comment is acknowledged.

Letter No. III-177
Justin Wood
239 Ramona Avenue
Claremont, California 91711

Comment III-177-1 I am writing you today to comment on the draft environmental impact review (DEIR) for the Lytle Creek Ranch Specific Plan (LCRSP) currently available for review by the city of Rialto. I am writing as both a field botanist with over five years experience and a resident of southern

California. I have reviewed portions of the DEIR that pertain to botanical resources and associated impacts. I feet that this project grossly underestimates the impacts of this project to native plant communities such as Riversidean alluvial fan sage scrub (RAFSS) and also to rare plants.

Response III-177-1 This comment is acknowledged.

Comment III-177-2 The LCRSP fails to adequately address the presence of slender horned spineflower (*Dodecahema leptoceras*) on the site. This species is very difficult to locate, even in a good year. I feel that this species should not and cannot be considered absent from the project simply because it was not seen in the project area in four years of consecutive surveys. If the species was present during the survey season of 1994, there is no reason to believe that all individuals or all of the seeds are gone from the site. This species is extremely variable in its germination in any given year. Even if the rainfall appears to be "good" in a particular year, microclimate within the floodplain can be very variable. Also, given the size of this species, it seems very likely that even an experienced field botanist could overlook a single individual or small group of plants. A determination of absent for this species seems irresponsible and should be re-evaluated.

Response III-177-2 The comment's description of the difficulty involved with surveys for slender-horned spineflower is acknowledged. It is for these reasons that surveys were conducted in four consecutive years and in none of those four years was the slender-horned spineflower found to be present on the project site. Further, given the "burden of proof" typically applied by the USFWS in its consultations on threatened and endangered species, four consecutive years of negative surveys is considered more than sufficient surveying to conclude the absence of the species. See also Response No. III-177-3.

Comment III-177-3 The treatment of the Santa Ana River woolly star (*Eriastrum densifloium* ssp. *sanctorum*) in the project area is another topic I am concerned with. This population of woolly star has long been known to be unique, in that it does not quite fit into any of the subspecies from a morphological or phonological perspective. Based on recent published genetic work by Sarah De Groot, this population may in fact be a distinct subspecies. It seems very clear, based on genetic work, that these plants are NOT the subspecies *elongatum* and therefore they should not be treated as so. We should try to better understand these plants before we destroy a majority of the population. We must also not forget that the USFWS includes this population in the original listing of the Santa Ana River woolly star (not present at the project site) as an endangered species. Therefore, regardless of data that was collected for this project, not treating these plants as an endangered species would be unlawful.

Response III-177-3 Although the DEIR and the BRA contain substantial information concerning the woollystar on the project site and explain the information and reasoning behind the conclusion that the endangered subspecies is

not present thereupon, additional information was sought concerning the issues raised by the commentor (see pp. 4.5-65 through 4.5-67 and 4.5-118 and 4.5-119; BRA, pp. 13-14 and 61-64 and Appendix B [Subspecies Identification of the Woolly-star at the Lytle Creek Ranch Specific Plan Project Site, San Bernardino County, California]). PCR asked Dr. Mark Brunell, a biologist with recognized expertise on woollystar, to consider and address the taxonomic and scientific issues raised. Dr. Brunell's letter on the topic is included in Appendix IV-J (PCR May 17, 2010 Technical Memorandum No. 2) herein. Dr. Brunell and PCR both concluded that the information known about woollystars, the endangered Santa Ana River woollystar, and the woollystars on the project site indicate that the plants on the project site are neither the listed subspecies nor do they warrant being viewed as a distinct subspecies. Dr. Brunell states:

> The study published by De Groot (2008) was not a genetic study, but instead studied morphology of the corolla and some vegetative characters. That paper in no way suggests that their population studied in Lytle Creek is a distinct subspecies, but rather it is an intermediate population that may or may not be of hybrid origin. There is no evidence that suggests that the population in the project area is of hybrid origin between *Eriastrum densifolium* subsp. *sanctorum* and any other subspecies. . .
>
> The only genetic work that exists on plants in this area is found in Brunell and Whitkus (1997), which showed that plants from the INSTIT population (which is 2 miles NNE of [the Lytle Creek Ranch project site]) and the LYTLE population [studied by Brunell and Whitkus] (which is 2 miles SE of [the Lytle Creek Ranch project site] are both genetically very similar to each other and to the endangered subspecies. . .All of this means that singling out the population in the project area as a distinct subspecies or even species is currently not supported by the evidence. All of the plants in this region are closely related genetically and no clear cut discontinuities are known except for corolla tube length in *E. d.* subsp. *Sanctorum*. In terms of genetic diversity, the LYTLE plants are intermediate in their diversity, and represent a typical level of diversity for the species. As for what subspecies the population at the project site represents, the work by Brunell (1996) and Brunell and Whitkus (1999) shows that only two subspecies currently exist in the species: *E. d.* subsp. *densifolium* and *E. d.* subsp. *sanctorum*. In these studies it was determined that following the conventional application of the names *E. d.* subsp. *elongatum, E. d.* subsp. *mohavense*, and *E. d.* subsp. *austromontanum* produces groups based not on their genetic relatedness but on their morphological resemblances, and therefore these three were lumped into

> one subspecies (*E. d.* subsp. *densifolium*) under which the plants in the project area fall.
>
> If we are to discuss the population in the project area in terms of being a hybrid, then we must be clear about what we mean by this term. The term "hybrid" has various meanings. . .In summary, evidence for a hybrid origin of the plants in the project area is currently not in existence, and the data that we do have do not suggest hybridization.

See Appendix IV-J (PCR May 17, 2010 Technical Memorandum No. 2).

The nearest known occurrence of the listed Santa Ana River woollystar is in the Santa Ana River and is at least 5 miles downstream of the river's confluence with Lytle Creek (p. 4.5-119). As explained in the DEIR (pp. 4.5-66 through 4.5-67), biologists with Environmental Audit examined woollystars in Lytle Creek downstream from the project site in 1988 and concluded that those plants also were not the listed subspecies.

The individuals of the woollystar found on the project site have not been recognized as a distinct subspecies. The commentor is incorrect in his unsupported statement that it would be unlawful to not treat the individuals on the project site as the endangered subspecies listed by the USFWS. The only subspecies of woollystar listed by the USFWS as threatened or endangered is the Santa Ana River woollystar (not present on the project site); the various other subspecies of woollystar are not listed as threatened or endangered. It is also worth noting that the FESA does not prohibit the take or removal of listed threatened or endangered plants on private property.

Comment III-177-4 The DEIR fails to adequately address the potential of rare plants as designated by the California Native Plant Society (CNPS). Some of the species that are known to have occurred in the project vicinity that should be addressed include *Ambrosia monophylla*, *Chorizanthe xanti* var. *leucotheca*, *Mucronea californica* and *Symphyotrichum*.

Response III-177-4 Because it is recognized as an accepted professional standard for biologists surveying and evaluating sites for analysis under CEQA, the CNDDB and CNPS's "Inventory of Rare and Threatened Plants" were reviewed early on in the process of field investigation and documentation of findings. Using the nine-quadrangle approach to identifying sensitive biological elements that are potentially present in a study area (an accepted standard among biologists conducting CEQA analyses), lists of numerous plant and animal species and sensitive plant communities were generated. However, many more species than could occur on a site are typically listed because the search area is so large. From that larger listing, it is then appropriate to eliminate species (and habitats) based on further research into the habitat requirements of a particular species. In the case of the plant species listed in the comment, these species were not listed in either the DEIR or BRA based on habitat requirements that

do not exist on the project site. According to "A Flora of Southern California" (Munz, 1974), for example, *Symphyotrichum defoliatum* is reported to occur at elevations above approximately 6,000 feet above mean sea level (msl). However, the highest point in the project study area is approximately 2,270 feet msl. Therefore, *Symphyotrichum defoliatum* was not considered to have the potential to occur on the project site. Similarly, as another example, Munz (1974) reports *Chorizanthe xanti* var. *leucotheca* to occur in Mojavean desert scrub and pinyon juniper woodland. Neither of these plant communities/habitats are present in the study area. The list of sensitive species included in the DEIR and BRA are based on existing databases of recorded occurrences and supplemental research on the habitat preferences/requirements of each (see, for example, the list of references in the BRA).

Comment III-177-5 To adhere to the CNPS (2001) guidelines the following two items should have been included in the DEIR: "Qualifications of field personnel including any special experience with the habitats and special status plants present on the site: and "Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms and accompanying maps."

Response III-177-5 The comment is acknowledged; however, including such information in the DEIR is not required by CEQA. Copies of that information can be made available upon request. It should be noted that detailed vegetation community mapping is contained in both the DEIR and BRA. It should be noted, however, that all researchers that contributed to the field surveys and documentation are degreed biologists, ranging in experience from one to 36 years of practicing field experience. In addition, search images for the species included in the surveys were obtained by examining reference sites and herbarium collections prior to field work.

Comment III-177-6 The proposed open space preserves for the conservation of rare plants species, primarily Parry's spineflower, are inadequate primarily for one reason. The current plan indicates that the current flood plan of Lytle Creek will be further restricted by new development and levees. This restriction will increase the amount of water that will scour the preserved open space during high flow events. During a normal flood regime in RAFSS water has the ability to spread out and occupy numerous braided channels therefore decreasing the affect on mature RAFSS. By narrowing the flood plan through the project area, high flow events will have much more scouring capacity and it seems very likely that the first high flow event would devastate the open space preserve and change the community from RAFSS to that of a scoured active wash. This community change would be detrimental to the species that these preserves are aiming to protect. The width of the channel should not be restricted any more that it currently is to protect the mosaic of various aged RAFSS that occurs in the area. This plant community has been highly altered throughout much of the historic range and should be protected in all remaining intact areas, such as this project area.

Response III-177-6 The comment expresses concern that the project will further restrict the width of Lytle Creek because of the proposed revetment and that this restriction will significantly increase the degree of scour within the wash during high water flow events, such that after one or more high flow events all of the RAFSS habitat would be removed and all that would be left would be denuded, scoured active channel. The expected changes to hydrology and geomorphology within Lytle Creek, within the Lytle Creek/Cajon Creek Confluence, within Lytle Creek downstream of the project site, and within portions of Cajon Creek containing the Vulcan Cajon Creek Conservation Area as a result of this project have been examined by PACE. PACE has concluded that the project would produce no significant changes to the degree of scour in these areas. Consequently, the project is expected to create a less-than-significant impact to RAFSS habitat within these areas as a result of the construction of the revetments. See Response Nos. I-9-4, I-9-8, I-9-12, I-9-13, I-9-14, and the PACE May 2010 technical memorandum for further information.

Comment III-177-7 I do not understand why we as a society continue to aim to destroy natural habitats for development when there are countless acres of abandoned agricultural land, vacant lots, and vacant houses that could much more easily be converted to a new development project, especially in the vicinity of this proposed project. I feel that this natural habitat in the city of Rialto that is currently being proposed for development is a very valuable natural resource for the community as whole. We should aim to protect these areas and see them for the amazing places that they are and not for what we can make them into. Thank you for the opportunity to comment on this document,

Response III-177-7 This comment is acknowledged and will be considered by the Lead Agency decisionmakers.

Letter III-178 [Late Comment]
Ann Farooji
2423 N. Sycamore Avenue
Rialto, California 92377

Comment III-178-1 I am a resident of El Verde Country Club Estates. This letter copies from other residents, but I feel it is part of my belief, too. I am opposed to the Lytle Creek Ranch Specific Plan, Neighborhood II. It should not be considered for approval.

Response III-178-1 This comment is acknowledged.

Comment III-178-2 This neighborhood plan would alter the life of the people that live here. This project does not take into consideration the existing community or city. The rural nature of the community, the quality of the homes, the beauty of nature, and the quiet neighborhoods are hard to find in Rialto or other places. The Lytle Creek Ranch project would destroy the community and Rialto. The developers do not live here and do not care what happens to the existing residents of El Verde County Club. The

residents do care and we urge you to care as well. The development bulldozers endanger our wild animals such as coyotes, foxes, lizards, mocking birds, quail, roadrunners, finches, scrub jays, etc. and our wild plants. The rare Riversidean Sage Scrub exists in a few places and our Lytle Creek wash is one of these few places. This development would put their Lytle Creek Ranch homes in an area of an hundred year flood and earthquakes. As well as a fire hazard which the residents experienced in 2003.

Response III-178-2 See Response No. III-1-1 through Response No. III-1-3.

Comment III-178-3 How will 10,000 vehicles leave this area safely in case of a flood, earthquake, or fire?

Response III-178-3 See Response Nos. I-10-5 and III-1-2.

Comment III-178-4 Please Mayor and Council Members do not approve of this development. Let us keep Rialto with no Lytle Creek Ranch plan.

Response III-178-4 This comment is acknowledged.

3.2.4 Topical Responses

3.2.4.1 Topical Response No. 1 – Flooding Concerns

A number of comments expressed generalized concerns regarding the location of the project in a mapped floodplain and the potential impact of flooding on the new development as well as downstream of the project. Concerns were also expressed regarding the proposed revetment that will be constructed as part of the project.

Comments raised with regards to flooding concerns:

- Development will place homes in an area of potential 100-year flood.
- Because adjacent homes are burdened with a nonexclusive easement for flood control purposes, then why is not the property similarly restricted?
- Levee system appears to be inadequate to handle expected flood waters.
- Was the United States Army Corps of Engineers (USACE) contacted and what were their comments?
- Potential downstream flooding associated with the project.
- Land was flood control land, why was this status changed?

Response:

A detailed discussion regarding the project's impacts and whether it would expose new development and people to increased risks of flooding was analyzed in Section 4.4 (Hydrology and Water Quality) in the DEIR. Regulation of new development and the construction of structures in areas subject to flooding is overseen by the Federal Emergency Management Agency (FEMA). FEMA produces Flood Insurance Rate Maps (FIRMs) or, as they are now called, Digital Flood Insurance Rate Maps (DFIRMs) in order to identify areas that are located within the 100-year floodplain boundary or "Special Flood Hazard Areas." Section 4.4 of the

DEIR (beginning at p. 4.4-3) discusses the FIRM maps and the National Flood Insurance Reform Act. Portions of the project site are mapped as being in "Zone A" in the applicable FIRM. Areas designated "Zone A" reflect those areas subject to inundation by the 100-year flood. Other areas of the project site are designated in "Zone X" which represents those areas determined to be outside of the 500-year floodplain. The DFIRMs were reviewed as part of the DEIR's preparation and applicable FIRMs were included in the DEIR at Figure 4.4-3 (Portions of Flood Insurance Rate Maps for a Portion of San Bernardino County, FIRM Panel Nos. 0607CC7905H, 0607CC7910H, 0607CC7920H, 0607CC7940H [August 28, 2008]).

Although portions of the project site are within areas mapped as areas of 100-year flood, the project proposes to elevate all areas of the project within the 100-year floodplain so that the development areas will no longer be within the floodplain (p. 4.4-84). The participation by the City is noted as is the floodplain management building requirements. All proposed development will be constructed in compliance with the floodplain management building requirements.

Because the project proposes development adjacent to Lytle Creek, protection from flooding is provided by several means. First, as discussed above, the development areas will be elevated so that they are higher than the floodplain and, thus, removed from the floodplain. Second, development areas will be set back from Lytle Creek to provide separation from the active creek area. Finally, the project also proposes construction of regional flood control improvements, including a revetment along the entire length of the western bank of Lytle Creek to reduce the potential for erosion impacts (p. 4.4-83). The proposed revetment will be constructed along the west bank of Lytle Creek that will be located adjacent to the proposed development areas in Neighborhoods II, III, and IV. The proposed revetment was designed in accordance with the criteria established by the County of San Bernardino Flood Control District (SBCFCD or District) and has been designed for the 100-year flood plus additional safety factors set forth in the design criteria to account for debris and floodplain hydraulics. Given the satisfaction of the County design standards, the proposed revetment system would be deemed adequate to handle the expected flood waters.

It should also be noted that the correct term for this structure is "revetment," as opposed to a "levee" as it was called in the DEIR. The proper term for the new construction proposed by the project is "revetment," as opposed to "levee." Any reference to new construction of a "levee" in Neighborhoods II, III, or IV in the DEIR are actually intended to refer to the more accurate term "revetment" (The 10.1 acres of off-site improvement within property owned by Cemex USA between Neighborhoods II and III will involve improvements to an existing levee) (see DEIR Figure 2-10 for location of off-site levee improvement on the Cemex USA property). The term "revetment" is more accurate to refer to the proposed structure. A revetment differs from a levee in that a levee is an earthen embankment that is elevated such that the water surface on the riverine side is higher than the pad elevations of the protected structures or features on the opposite side. A revetment is constructed to provide erosion slope protection. Put another way, a levee is constructed for those situations where the water level on the creek or water body side of the levee is higher than the ground level of the development area on the land side of the levee. That is not the physical condition on the project site. The project proposes to elevate the development area on the land side of the levee which will result in it being at a higher elevation than the water level on the creek side of the facility.

The USACE does not have jurisdiction over the proposed revetment improvements because the revetment is not proposed as a federal facility. Consequently, as the USACE does not have any regulatory oversight for the revetment, the Applicant has not contacted the USACE at present.

The proposed revetment will eventually be turned over to the District and, therefore, has been designed to satisfy County design criteria for regional flood control facilities. It should be noted, however, that currently existing on the project site are groins that were installed by the USACE a number of years ago. Once the project's revetment system is constructed, the groins will no longer be necessary. At that point in time, it is anticipated that the Applicant will contact the USACE to have the areas where the groins are located released from federal jurisdiction. In addition to flood control issues, the USACE also has regulatory oversight for implementation of the federal Clean Water Act. A jurisdictional delineation of "waters of the United States" (WoUS) has been prepared and any impacts to jurisdictional WoUS will require consultation, with and a permit issued by the USACE. The Applicant has been in contact with the regulatory arm of the USACE that oversees federal Clean Water Act permitting as it impacts the proposed project.

Some commentors expressed the concern that the project may result in potential downstream flooding. It is the expert opinion of the project's hydrology consultant (PACE) that the project will not increase the potential for downstream flooding because the project does not change or alter the flow patterns or hydrologic characteristics downstream of the Cemex USA levee. Moreover, at this point in Lytle Creek, the channel is heavily incised to approximately 20-feet deep and the development of the project would not do anything to increase the potential for downstream flooding.

The project site is covered with an existing County easement for flood control which will be modified by the County upon completion of construction of the revetment to remove the portion of the project site outside of the revetment from coverage by the easement.

3.2.4.2 Topical Response No. 2 – Access Road along Neighborhood II Southern Boundary

A number of comments expressed concerns regarding an "access road" behind properties in Neighborhood II and whether this "access road" was burdened with a conservation easement or subject to a prescriptive easement. Concerns were also expressed regarding the equestrian use of this road and the setback between existing homes and the proposed Neighborhood II.

Comments raised with regards to the access road:

- Project will eliminate the access road behind the properties in Neighborhood II.
- Area should show a conservation easement that incorporates the roadway for equestrian usage.
- Inadequate setback between homes in Neighborhood II and adjacent area (15-feet separation not sufficient).
- Development will prevent equestrian use "as originally proposed" (believes that the wash was owned by the County and that the County sold the land).
- Project involves an area zoned by the County as equestrian and cannot be changed without consent of residents.
- Project will build on a 100-year floodplain used by residents as horse property; road has been used by owners for ingress and egress; common use of the road was for animal and trailer transportation; Neighborhood II indicates that access along this road will be eliminated; textbook case of prescriptive easement.

Response:

Various individuals raised a number of questions and comments regarding a dirt/gravel access road on the Applicant's property along the southern boundary of Neighborhood II. Generally, these comments contend that this access road has been used by property owners whose lots abut the proposed Neighborhood II for ingress and egress, recreational vehicles, animal and trailer transportation, and equestrian activity.

Neighborhood II is planned as a gated, active-adult community on approximately 801.8 acres. Currently, a portion of Neighborhood II, including the entire 221-acre City-approved "El Rancho Verde Specific Plan," is located within the boundaries of the City. The remainder of Neighborhood II is located within an unincorporated area of the County. A 117.6-acre area of Neighborhood II, the southern portion of which abuts the lots of property owners who submitted comments regarding the purported access road, is currently located within this unincorporated County territory and is currently zoned "Single Residential (RS-20M)" (p. 4.1-45), corresponding to a minimum lot size of 20,000 square feet. Upon approval of the LCRSP, all of the land within Neighborhood II which is currently within unincorporated County area would be annexed into the City. Upon annexation and implementation of the LCRSP, the portion of Neighborhood II which abuts the lots of property owners who submitted comments regarding the purported access road would allow for "Single-Family Residential 3 (SFR-3)" or "High Density Residential (HDR)" use. Though Neighborhood II is subject to several pipeline, utility, flood control, and water easements, it is not subject to any recorded equestrian access easements.

With regards to existing equestrian uses, some comments assert that approval and implementation of the LCRSP will result in property owners losing their ability to conduct equestrian uses at their properties. That is not correct. The project does not propose to change the zoning or other land use rights of any property in this area other than the land owned by the Applicant. The project will not eliminate any equestrian rights those other property owners have.

Equestrian access. With regards to equestrian access, recorded equestrian easements extend across several lots on Tract No. 9001 (Assessor's Parcel No. 0264-741-05-000) and Tract No. 9812 (Assessor's Parcel No. 0264-921-05-0000). Both tracts are located south of the project site and are not a part of the project or owned by the Applicant. Specifically, with respect to the easement on Tract No. 9001, this non-exclusive equestrian easement extends across the northeasterly 15 feet of Lot Nos. 5 through 12, the southeasterly 20 feet of Lot No. 5, the northeasterly 10 feet of Lot Nos. 2, 16, and 17, and the southwesterly 10 feet of Lot Nos. 3, 14, and 15. Accordingly, property owners in Tract No. 9001 have equestrian ingress and egress capabilities from an access point on Sycamore Avenue (for the portion of the easement that traverses the rear of Lot Nos. 5 through 12) as well as from access points on Peach Street (for the portion of the easement that traverses the rear of Lot Nos. 2, 3, 14, 15, 16, and 17). For reference, see Figure 1 (Tract Map for Tract No. 9001) and Figure 2 (Partnership Grant Deed for Lot No. 10 of Tract No. 9001), which reserves in the grantor the above described easement.

With respect to the easement on Tract No. 9812, this easement extends across the southeasterly 20 feet of Lot Nos. 16 through 19. As seen on the attached tract map, the easement, as originally granted, extended northeasterly from Lot No. 16 through Lot No. 9. However, a title company has confirmed that this portion of the easement has been abandoned.

Based on this information, there appears to be existing recorded equestrian easement access rights in the area south of the project site, across properties that appear to include property of some of the commentors but that do not include the Applicant's property. As that property with the equestrian easement is not owned by the Applicant and is not part of the proposed Project, the existing equestrian easement rights will remain unchanged.

Conservation easement. With regards to a conservation easement, some comments assert that a conservation easement exists on the sand/gravel road on the Applicant's property that incorporates the road for equestrian usage. No such conservation easement exists on that sand/gravel road.

Prescriptive easement. Some of the comments assert that use of the sand/gravel road on the Applicant's property by nearby residents has ripened into a prescriptive easement. These comments state that the issue of whether a prescriptive easement exists needs to be addressed prior to any approvals of the project. That is incorrect. Neither the City nor any other public agency that may be required to make discretionary approvals for the project has the obligation or the authority to determine the existence of a prescriptive easement.

Whether any prescriptive easement exists is a judicial determination that only a court is empowered to make (see, for example, LT-WR, LLC v. Cal. Coastal Commn. [2007] 152 Cal.App.4th 770, 805-06 [rejecting Coastal Commission's ability to deny a permit by finding that the "*potential* exists to establish prescriptive rights for public use of this road"] [emphasis added]). In California, the elements of a prescriptive easement are: "(a) open and notorious use; (b) continuous and uninterrupted use; (c) hostile to the true owner; (d) under claim of right; and (e) for the statutory period of five years. (Civ. Code, § 1007; Code Civ. Proc., § 321)." (Twin Peaks Land Co. v. Briggs [1982] 130 Cal.App.3d 587, 593). Moreover, the person claiming prescriptive easement has the burden of proving these elements by clear and convincing evidence (Grant v. Ratliff [2008] 164 Cal.App.4th 1304, 1310). "The higher standard of proof demonstrates there is no policy favoring the establishment of prescriptive easements" (Id.).

Permissive use defeats a claim for a prescriptive easement (Clark v. Redlich [1957] 147 Cal.App.2d 500, 504). The Applicant has stated that some or all of the residents who may have accessed the dirt/gravel road in question did so by use of a key to a gate that controls access to that property. Courts have held that where residents had a key to a gate to use an access road, that demonstrates that the use of the access road was permissive and could not create a prescriptive easement (see Matthiessen v. Grand [1928] 92 Cal.App. 504, 510 ["The maintenance of gates by the owner, across the roadway, when such gates are always kept locked, even though keys may be supplied to the neighbors as a matter of accommodation, is substantial proof of permissive use"]). In any event, as noted above, whether any prescriptive easement exists is a judicial determination that only a court is empowered to make.

Inadequate setback. Other comments assert that the fifteen-foot setback between the residential development proposed in Neighborhood II and the properties abutting Neighborhood II is inadequate. The DEIR analyzes the project's potential land-use compatibility impacts to existing proximal off-site land uses, including with respect to existing residential land-uses located within Country Club Estates (p. 4.1-128). As proposed, with the exception of some properties that abut the 3.2-acre PA 91 on the western border of Country Club Estates, which is proposed as a "Village Center Commercial (VC)" district, all existing residential land-uses located within County Club Estates will continue to abut either the reconfigured golf course or new residential uses (Id.). Accordingly, the DEIR states that "with the possible exception of

those few properties where an existing residential use may abut a future commercial use, post-project land uses will remain compatible with existing residential land use within the County Club Estates area" (Id.). In recognition of any potential land-use compatibility impacts associated with both the placement of certain permitted land uses adjacent to other existing uses within the proposed LCRSP area and, specifically, with regards to those future commercial uses that may be located adjacent to existing residential uses, the project will implement Mitigation Measure 1-1 to reduce any potential land-use compatibility conflicts to a less than significant level (Id.).

Annexation by the City. Additional comments assert that the proposed LCRSP would unlawfully extend the jurisdiction of the City and that the zoning of this area cannot be changed without consent of residents. As permitted by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, with the implementation of the proposed LCRSP, 1,753.1 acres of the project site currently located in unincorporated San Bernardino County will be annexed to the City of Rialto. Annexation of this area of the project site is subject to the approval of the County of San Bernardino Local Agency Formation Commission. There is nothing unlawful about this proposed boundary change. The area to be annexed and to have the proposed new zoning is owned by the Applicant, not by the commentors or other residents to the south. The consent of the residents of the existing El Rancho Verde neighborhood, whose zoning is not being impacted and whose property is not being annexed into the City, is not required to approve the project or to complete the proposed annexation and zone designation.

3.2.4.2 Topical Response No. 3 – Air Quality Concerns

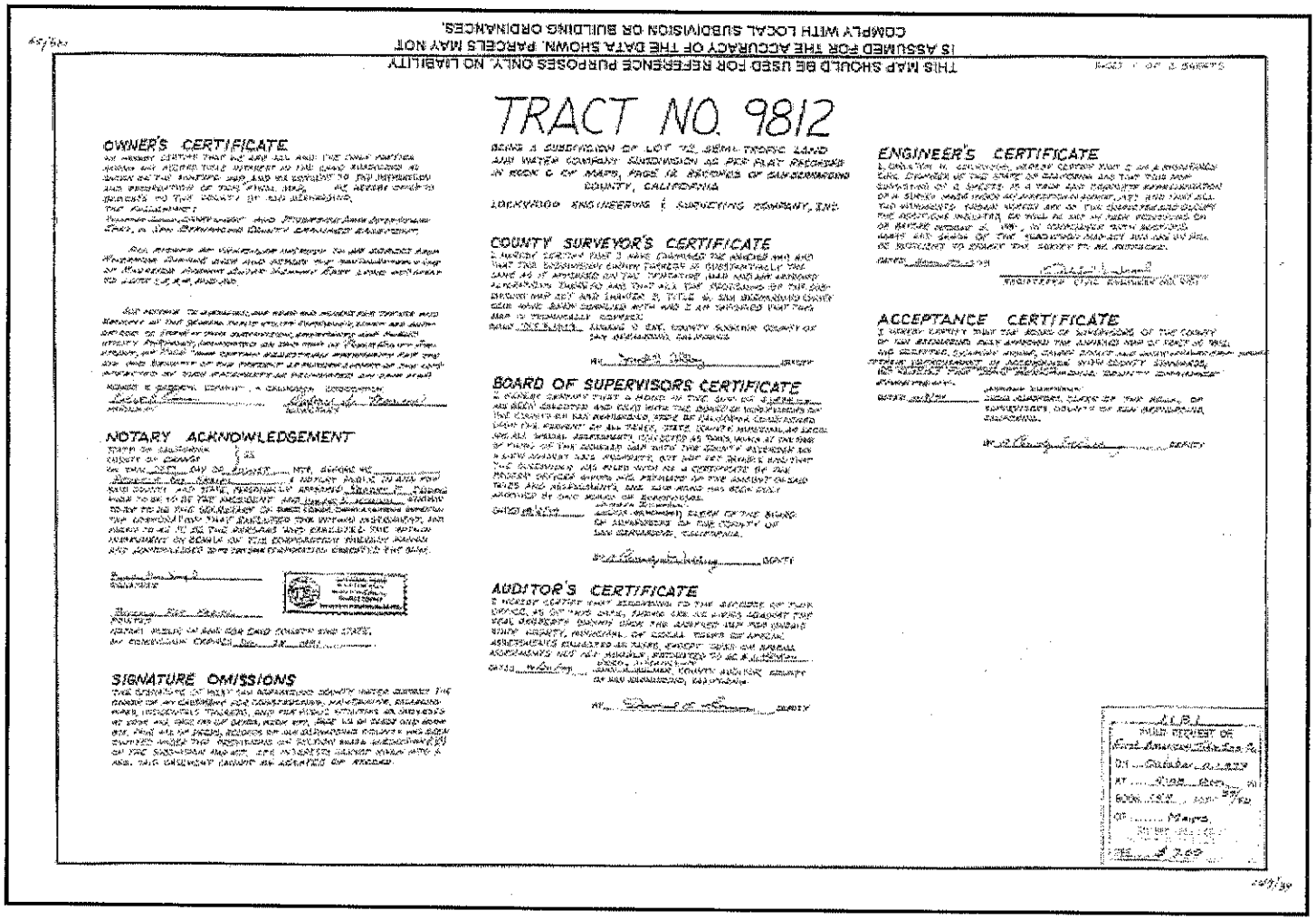
A number of comments expressed concerns regarding the air quality impacts of the proposed project.

Comments raised with regards to air quality:

- Increased air pollution from new development.
- Construction of anything in the wash will denude the ground; windstorms will cause severe sand and dust problems.
- Air pollution from off-road diesel engines during construction needs to be addressed.
- Smaller project or limiting size of construction that can occur at any one time would help reduce air quality impacts.
- Area has one of the poorest ratings for air quality per the Center for Community Action and Environmental Justice; impact significant after mitigation; project threatens health.
- Toxic emissions will result in increased health risks, such as asthma or brain tumors.
- Sensitive receptors will be impacted by air emissions from the project.

Response:

Various comments have been made regarding the project's potential air quality impacts. Some claim that the project will result in an increase in air pollution and that the DEIR inadequately assessed those potential impacts. The DEIR, however, provided a complete analysis of the project's air quality impacts in accordance with CEQA. Although the project would implement 18 mitigation measures to address the project's air quality impacts, the DEIR concluded that the project would still result in several significant and unavoidable impacts.



THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

TRACT NO. 9812

BEING A SUBDIVISION OF LOT 72, SEMI-TROPIC LAND AND WATER COMPANY SUBDIVISION AS PER PLAT RECORDED IN BOOK 6 OF MAPS, PAGE 12, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA

LOCKWOOD ENGINEERING & SURVEYING COMPANY, INC.

OWNER'S CERTIFICATE

COUNTY SURVEYOR'S CERTIFICATE

ENGINEER'S CERTIFICATE

ACCEPTANCE CERTIFICATE

NOTARY ACKNOWLEDGEMENT

BOARD OF SUPERVISORS CERTIFICATE

AUDITOR'S CERTIFICATE

SIGNATURE OMISSIONS

Figure 1 (1 of 2)
TRACT MAP FOR TRACT NO. 9001
Source: County of San Bernardino

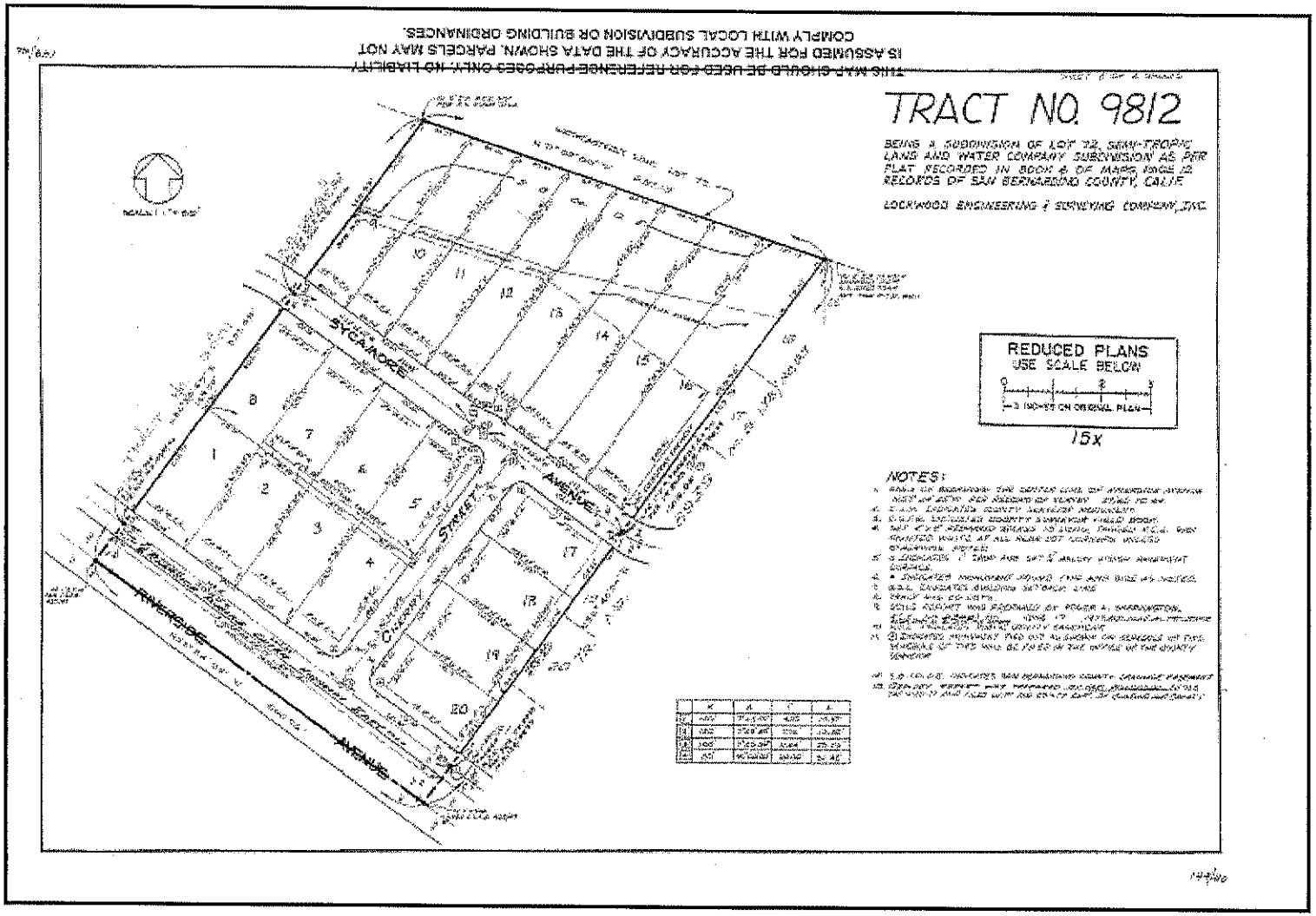
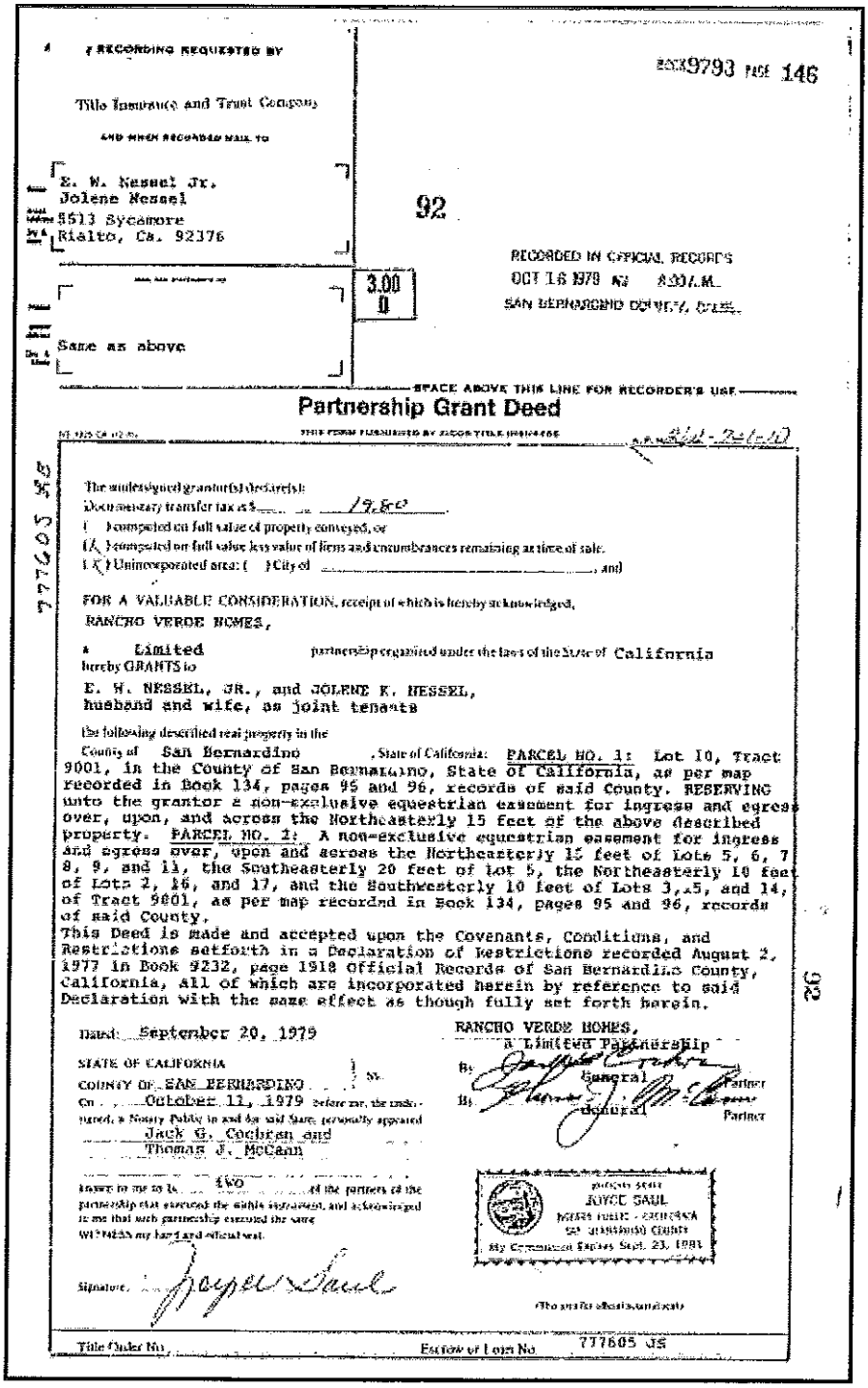


Figure 1 (2 of 2)
TRACT MAP FOR TRACT NO. 9001
Source: County of San Bernardino



RECORDING REQUESTED BY

Title Insurance and Trust Company

AND WHEN RECORDED MAIL TO

E. W. Nessel Jr.
Jolene Nessel
5513 Sycamore
Rialto, Ca. 92376

BOOK 9793 PAGE 146

92

3.00
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RECORDED IN OFFICIAL RECORDS
OCT 16 1979 AT 8:00 A.M.
SAN BERNARDINO COUNTY, CALIF.

Same as above

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Partnership Grant Deed

777605 JS

The undersigned grantor(s) declare(s):
Documentary transfer tax is $ 19.80
( ) computed on full value of property conveyed, or
(X) computed on full value less value of liens and encumbrances remaining at time of sale.
(X) Unincorporated area: ( ) City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
RANCHO VERDE HOMES,

a Limited partnership organized under the laws of the State of California
hereby GRANTS to
E. W. NESSEL, JR., and JOLENE K. NESSEL,
husband and wife, as joint tenants

the following described real property in the
County of San Bernardino, State of California: PARCEL NO. 1: Lot 10, Tract 9001, in the County of San Bernardino, State of California, as per map recorded in Book 134, pages 95 and 96, records of said County. RESERVING unto the grantor a non-exclusive equestrian easement for ingress and egress over, upon, and across the Northeasterly 15 feet of the above described property. PARCEL NO. 2: A non-exclusive equestrian easement for ingress and egress over, upon and across the Northeasterly 15 feet of Lots 5, 6, 7 8, 9, and 11, the Southeasterly 20 feet of Lot 5, the Northeasterly 10 feet of Lots 2, 16, and 17, and the Southwesterly 10 feet of Lots 3, 5, and 14, of Tract 9001, as per map recordnd in Book 134, pages 95 and 96, records of said County.
This Deed is made and accepted upon the Covenants, Conditions, and Restrictions setforth in a Declaration of Restrictions recorded August 2, 1977 in Book 9232, page 1918 Official Records of San Bernardino County, California, All of which are incorporated herein by reference to said Declaration with the same effect as though fully set forth herein.

Dated: September 20, 1979

RANCHO VERDE HOMES,
a Limited Partnership
By _____ General Partner
By _____ General Partner

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
On October 11, 1979 before me, the undersigned, a Notary Public in and for said State, personally appeared Jack G. Cochran and Thomas J. McCann

known to me to be two of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same
WITNESS my hand and official seal.

Signature _____

OFFICIAL SEAL
JOYCE SAUL
NOTARY PUBLIC - CALIFORNIA
SAN BERNARDINO COUNTY
My Commission Expires Sept. 23, 1981

(This area for official notarial seal)

Title Order No. _____ Escrow or Loan No. 777605 JS

Figure 2
PARTNERSHIP GRANT DEED FOR LOT NO. 10 OF TRACT NO. 9001
Source: County of San Bernardino

For air quality impacts from the project's anticipated construction activities, the DEIR concluded that the following impacts cannot be feasibly mitigated to a less-than-significant level:

(1) For regional impacts from criteria pollutant emissions, the projected maximum daily emissions of carbon monoxide (CO), oxides of nitrogen (NOx), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and volatile organic compounds (VOC) could exceed SCAQMD's recommended threshold standards (Environmental Impact 7-1 [DEIR, p. 4.7-63 and Table 4.7-11]).

(2) For local impacts, local concentrations of PM_{10} and $PM_{2.5}$ are projected to exceed the SCAQMD-recommended threshold standards in the vicinity of those residential areas located to the south of the project site. Substantially lower but still significant PM_{10} and $PM_{2.5}$ concentrations would occur in the vicinity of those residential areas located to the east of the project site (Environmental Impact 7-2 [DEIR, pp. 4.7-66 through 4.7-67 and Table 4.7-12]).

For air quality impacts from the project's anticipated post-construction operations, the DEIR concluded that the following impacts cannot be feasibly mitigated to a less-than-significant level:

(1) The increase in daily emissions resulting from project operation are expected to exceed the SCAQMD thresholds for VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X (Environmental Impact 7-4 [DEIR, p. 4.7-70 and Table 4.7-14]).

(2) The project will locate sensitive receptors within an area of localized cancer risk in excess of the SCAQMD significance threshold of 10 in one million (10×10^{-6}) (Environmental Impact 7-7 [DEIR, p. 4.7-75 and Table 4.7-64]).

For the project's consistency with the 2007 Air Quality Management Plan (AQMP) and the 2005 SCAQMD "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, a Reference for Local Governments within the South Coast Air Quality Management District" (Guidance Document), the DEIR concluded that, with the possible exception of construction-term particulate emission, the proposed project generally complies with the goals of the Guidance Document and the 2007 AQMP (see generally DEIR, pp. 4.7-86 through 4.7-102). However, as a result of the proposed project's short-term particulate emissions, the DEIR concluded that the following impact cannot be feasibly mitigated to a less-than-significant level.

> Projects that exceed the assumptions in the current AQMP, based on the year of the project's build-out, or fail to demonstrate compliance with the criteria outlined in the Guidance Document, could result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, and/or delay the attainment of State and federal air quality standards. (Environmental Impact 7-8 [DEIR, p. 4.7-86]).

For the project's incremental contribution to air quality impacts from other related projects that together are significant, the DEIR concludes that the project will make a cumulatively considerable incremental contribution that cannot be feasibly mitigated to a less-than-cumulatively considerable level in the following ways:

> Since the project will exceed SCAQMD's regional emissions thresholds during construction and operation, even with the incorporation of all feasible mitigation measures, the project will make a cumulatively considerable incremental contribution to a significant construction and operational cumulative air quality impact (Environmental Impacts 7-9 and 7-10 [DEIR, pp. 4.7-102 through 4.7-104]).

In deciding whether or how to approve the proposed project, CEQA requires the decision-making agency to balance economic, legal, social, technological, or other benefits against its unavoidable environmental risks (Section 15093[a], State CEQA Guidelines). Construction, operational, and cumulative air quality impacts constitute some of the proposed project's potential impacts that will need to be considered by the Lead Agency's advisory and decision-making bodies. These impacts are discussed in more detail below.

Construction impacts. The DEIR provides a thorough analysis of the project's air quality construction impacts in accordance with CEQA. The DEIR analyzes construction impacts using the conservative assumption that project construction activities would be completed in the minimum timeframe feasible (p. 4.7-64). To ensure that construction-related emissions are reduced to the maximum extent feasible, Mitigation Measures 7-1 through 7-9 were incorporated for the project. These measures stipulate the watering of active grading areas, ensure that construction equipment is properly tuned and maintained, ensure that equipment engines be turned off when not in use, that construction activities be phased to avoid emissions peaks, require the use of electricity from power poles rather than generators when possible, prohibit construction vehicles from idling in excess of five minutes, restrict grading to 10 acres per day maximum when grading within 1,000 feet of residential and other sensitive receptors, include in construction contracts the control measures required and recommended by the SCAQMD at the time of development, and ensure that contractors use architectural coatings that contain VOCs with a rating of 75 grams/liter of VOC or less (p. 4.7-65). Implementation of these measures would reduce localized PM_{10} emissions by about 15 percent, $PM_{2.5}$ emissions by about 14 percent, and reduce daily emissions of CO, NO_x, PM_{10}, $PM_{2.5}$, and VOC by a minimum of 5 percent (pp. 4.7-66 through 4.7-68). Although these mitigation measures will reduce the project's air quality construction impacts, construction activities would continue to exceed SCAQMD's recommended emissions thresholds.

In addition, the DEIR analyzes the project's air quality construction impacts resulting from off-road diesel engines. As stated on page 4.7-67: "Large diesel-powered vehicles are frequently present during construction activities. Diesel exhaust from vehicles is not typically a health concern unless vehicles operate or idle in close proximity to structural air intakes, pedestrian areas, or close to sensitive receptors." A health risk analysis (HRA) was performed to evaluate potential health risks associated with project construction activities. Such health risks are based primarily on diesel particulate matter (diesel PM) emissions from construction vehicles. As shown in the DEIR (p. 4.7-69), the health risk impacts from construction are less than significant. Furthermore, Mitigation Measure 7-3 requires the Applicant to maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues will be required to turn off their engines when not in use and to reduce vehicle emissions and construction emissions will be phased and scheduled to avoid emissions peaks to the extent feasible and discontinued during second-stage smog alerts. For additional discussion about the DEIR's analysis of air quality impacts, see Response Nos. I-12-1 through I-12-10 related to the SCAQMD's comment letter on the DEIR.

Operational impacts. The DEIR also provided a thorough analysis of the project's operational air quality impacts in accordance with CEQA. To ensure that project-related operational emissions are reduced to the maximum extent feasible, a number of mitigation measures (Mitigation Measures 7-10 through 7-17) were incorporated for the project. These measures require, among other things, that deliveries be scheduled during off-peak periods to reduce vehicle trips during congested periods, that the project's on-site proposed bicycle and pedestrian facilities extend to and link the residential neighborhoods, commercial areas, and accessible recreation facilities, that subsequent site plan reviews consider the provision of safe and convenient access to public transportation, that a park-and-ride/park-and-pool facility be developed to promote ridesharing and reduce the total vehicle miles traveled (VMT), that bus shelters be constructed at such facility and at other locations throughout the project site, and that certain land uses with an increased potential of emitting toxic pollutants be prohibited (pp. 4.7-72 through 4.7-73, 4.7-79, 4.7-86 through 4.7-87, and 4.7-192 through 4.7-193). Although these mitigation measures will reduce the project's air quality operational impacts, daily operational emissions would continue to exceed SCAQMD's recommended emissions thresholds and the project would locate sensitive receptors within an area of localized cancer risk in excess of the SCAQMD's significance threshold of 10 in one million. Although the localized cancer risk resulting from the project would exceed SCAQMD's significance threshold, when evaluating this impact it is important to consider that the risk of the impact may be substantially reduced by the time construction is complete based on the California Air Resource Board's (CARB) efforts to reduce diesel PM emissions (p. 4.7-86). For additional discussion about the DEIR's analysis of air quality impacts, see Response Nos. I-12-1 through I-12-10 related to the SCAQMD's comment letter on the DEIR.

Air Quality Management Plan. The DEIR also analyzes the project's consistency with the 2007 AQMP and the Guidance Document. This consistency analysis recognizes that the project will implement various mitigation measures to reduce the project's construction and operational air quality impacts (p. 4.7-88 through 4.7-98). The DEIR, however, notes that because the project makes an incremental contribution to an existing exceedance of particulate emissions standards, the project may not fully comply with the goal of the 2007 AQMP to protect receptors from exceedance conditions.

Cumulative air quality impacts. The DEIR thoroughly analyzed the project's incremental contributions to construction and operational air quality impacts from other related projects, as discussed on pages 4.7-102 through 4.7-104 of the DEIR. Since the project's mitigation measures will not entirely mitigate the project's projected exceedance of SCAQMD's suggested thresholds of significance for construction-term CO, NO_x, PM_{10}, $PM_{2.5}$, and VOC emissions, the DEIR concluded that the project's incremental contributions to other projects' cumulatively significant impacts will be cumulatively considerable and cannot be fully avoided or further reduced with the implementation of feasible mitigations (pp. 4.7-103 through 4.7-104).

Request for a smaller project. In its "Alternatives Analysis" section, the DEIR thoroughly analyzed the potential for lower density development at the project site. The DEIR studied three "habitat avoidance" alternatives, each of which contained fewer residential dwelling units and commercial square footage than the proposed project. All of these proposed alternatives would still result in significant air quality impacts and all of them could result in additional land-use and aesthetic impacts. Moreover, those alternatives would not meet the Lead Agency's and Applicant's project objectives as well as the proposed project. The three "habitat avoidance" alternatives are addressed below:

- **Habitat Avoidance Alternative No. 1**. Implementation of this alternative would result in 7,484 dwelling units and 820,540 square feet of commercial space (less than the 8,407 dwelling units and 849,420 commercial square feet proposed by the project). As a result, under this alternative, construction-term and operational air quality impacts would be similar to but incrementally less than those associated with the proposed project. p. 7-26). Similar to the proposed project, however, short-term and long-term air quality impacts would remain significant under this alternative, as would operational noise impacts and growth-inducing impacts (pp. 7-26 through 7-27). Accordingly, selection of this alternative would not reduce any of the proposed project's significant or potentially significant unmitigated impacts to a less-than-significant level p. 7-27). Moreover, as this alternative would involve a smaller footprint, this would require changes in the land-use plan in order to increase the intensity of development in some areas (Id.). This could potentially result in areas of higher density housing being placed adjacent to existing single-family neighborhoods. Higher density residential development would likely mean more single-family attached dwelling units or multi-family residential development in place of lower density single-family detached units. Accordingly, implementation of this alternative could potentially result in additional land-use and aesthetic impacts if building heights were to be increased to accommodate such increased density (p. 7-27).

  By making physical changes to the areas proposed for development, implementation of this alternative would constitute a reduction from the proposed project's overall number of dwelling units and non-residential square footage (Id.). Accordingly, Habitat Avoidance Alternative No. 1 does not meet a number of the Lead Agency's and Applicant's alternatives as well as the proposed project. Specifically, this alternative would not meet the Lead Agency's key objective to "[r]espond to local and regional needs for additional housing opportunities in response to additional areawide population growth" as well as the proposed project (p. 7-12 [citing Project Objective LA-4]). In addition, this alternative would not meet the Applicant's objective to "[u]ndertake development of the project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns" as well as the proposed project (p. 7-16 [citing Project Objective A-16]). Accordingly, "[g]iven the smaller footprint of development contemplated under this alternative and the related reduction in dwelling units and square footage, it may be more difficult for the reduced development to feasibly finance the infrastructure facilities proposed by the project, including levee work" (pp. 7-27 through 7-28).

- **Habitat Avoidance Alternative No. 2**. Implementation of this alternative would result in 4,873 residential dwelling units and 602,827 square feet of commercial space (less than the 8,407 dwelling units and 849,420 commercial square feet proposed by the project). As a result, under this alternative, construction-term and operational air quality impacts would be incrementally less than those associated with the proposed project (p. 7-29). Similar to the proposed project, however, short-term and long-term air quality impacts would remain significant under this alternative, as would operational noise impacts and growth-inducing impacts (pp. 7-29 to -30). Accordingly, selection of this alternative would not reduce any of the proposed project's significant or potentially significant unmitigated impacts to a less-than-significant level (p. 7-30). Moreover, unlike the proposed project, this alternative would eliminate the existing El Rancho Verde Golf Course and remove an existing recreational facility (p. 7-30). This would result in greater recreation impacts (p. 7-31). In addition, due to the elimination of the golf course, this alternative proposes to place residential development with densities of 8-14

dwelling units per acre adjacent to an existing single-family community, thereby resulting in additional noise, light, and traffic impacts on established residential areas that would not otherwise occur under the proposed project (p. 7-30). As this alternative could result in areas of higher density housing being placed to adjacent existing single-family neighborhoods (likely meaning more single-family attached dwelling units or multi-family residential development in place of lower density single-family detached units), implementation of this alternative could potentially result in additional land-use and aesthetic impacts if building heights were to be increased to accommodate such increased density (p. 7-31).

Habitat Avoidance Alternative No. 2 would not meet a number of the Lead Agency's and Applicant's project objectives. This alternative would not provide the same degree or potential variety of housing types as the proposed project and would not provide the same range of housing opportunities to the degree provided by the project (Id.). Moreover, this alternative would result in the removal of the existing El Rancho Verde Golf Course and would not provide a neighborhood park and recreational center and would, therefore, not provide the same amount of recreational amenities as the proposed project (Id.). Thus, this alternative would not meet the Applicant's project objective to "[r]espond to the unmet need for active adult communities in the Rialto area by providing residents with a golf course-oriented community and a variety of conveniently located on-site amenities (p. 7-14 [citing Project Objective A-7]). Nor would this alternative meet the Applicant's project objective to "[p]rovide the City and surrounding community with a redesigned public golf course and clubhouse, recreation and open space areas, parks, and trails to meet the City General Plan goals to provide such facilities to maintain and enhance the City's quality of life" (Id. [citing Project Objective A-8]). Moreover, this alternative would not meet the Lead Agency's key objective to "[r]espond to local and regional needs for additional housing opportunities in response to additional areawide population growth" as well as the proposed project (p. 7-12 [citing Project Objective LA-4]). Nor would this alternative meet the Applicant's objective to "[u]ndertake development of the project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns" as well as the proposed project (p. 7-16 [citing Project Objective A-16]). Accordingly, "[g]iven the smaller footprint of development contemplated under this alternative and the related reduction in dwelling units and square footage, it may be more difficult for the reduced development to feasibly finance the infrastructure facilities proposed by the project, including levee work" (Id.).

- **Habitat Avoidance Alternative No. 3**. Implementation of this alternative would result in 5,846 residential dwelling units built and 730,893 square feet of commercial space (less than the 8,407 dwelling units and 849,420 commercial square feet proposed by the project). As a result, under this alternative, construction-term and operational air quality impacts would be incrementally less than those associated with the proposed project (p. 7-34). Similar to the proposed project, however, short-term and long-term air quality impacts would remain significant under this alternative, as would operational noise impacts and growth-inducing impacts (pp. 7-34 through 7-35). Accordingly, selection of this alternative would not reduce any of the proposed project's significant or potentially significant unmitigated impacts to a less-than-significant level (p. 7-35). Moreover, as this alternative would involve a smaller footprint, this would require changes in the land-use plan in order to increase the intensity of development in some areas (Id.). This could potentially result in areas of higher density housing being placed adjacent to

existing single-family neighborhoods. Higher density residential development would likely mean more single-family attached dwelling units or multi-family residential development in place of lower density single-family detached units. Accordingly, implementation of this alternative could potentially result in additional land-use and aesthetic impacts if building heights were to be increased to accommodate such increased density (p. 7-35).

By reducing the size of the development, Habitat Avoidance Alternative No. 3 would not meet a number of the Lead Agency's and Applicant's project objectives as well as the proposed project. Specifically, pedestrian and bicycle opportunities would be reduced in comparison to the proposed project (p. 7-36). This alternative would also result in the loss of the greenbelt/paseo included in the project, which would place residential development immediately adjacent to the main arterial and revetment in Neighborhood III and would result in the elimination of the environmentally-preferred water quality treatment feature of the bioswale in Neighborhood III (pp. 7-35 through 7-36). Moreover, the development proposed in Neighborhood I under this alternative would consist of a small non-residential area and even smaller residential area and would, therefore, not likely allow for the attainment of the Lead Agency's objective of designing a new northern gateway to the City (p. 7-35). This alternative would not meet the Lead Agency's key objective to "[r]espond to local and regional needs for additional housing opportunities in response to additional areawide population growth" as well as the proposed project (p. 7-12 [citing Project Objective LA-4]). Nor would this alternative meet the Applicant's project objective to "[a]ddress the City's current and projected housing needs for all segments of the community by providing a range of family-oriented single- and multi-family residences, as well as an active adult golf course community" as well as the proposed project (p. 7-15 [citing Project Objective A-9]). Finally, this alternative would not meet the Applicant's objective to "[u]ndertake development of the project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns" as well as the proposed project (p. 7-16 [citing Project Objective A-16]). Accordingly, "[g]iven the smaller footprint of development contemplated under this alternative and the related reduction in dwelling units and square footage, it may be more difficult for the reduced development to feasibly finance the infrastructure facilities proposed by the project, including levee work" (p. 7-36).

Appendix IV-A

Notice of Completion and Notice of Availability

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Notice of Completion and Environmental Document Transmittal

State Clearinghouse, 1400 Tenth Street Sacramento, CA 95814 (916) 445-0613

See NOTE below
SCH 2009061113

Project Title: Lytle Creek Ranch Specific Plan
Lead Agency: City of Rialto (Development Services Department) Contact Person: Michael E. Story, Director
Street Address: 150 South Palm Avenue Phone: (909) 421-7205
City: Rialto, California 92376 County: County of San Bernardino

Project Location: City of Rialto, City of Rialto Sphere of Influence, and unincorporated County of San Bernardino
County: San Bernardino City/Nearest Community: City of Rialto Zip Code: 92377
Major Cross Streets: I-15 Freeway/Lytle Creek Road/Riverside Avenue/Glen Helen Parkway
Total Acres: 2,467.2± located within the proposed specific plan boundaries plus 19.9± additional off-site acres

Assessor's Parcel Nos. Numerous Sections: 4, 5, 17, 22, 27, and unsectioned portion of T1N, R5W
Township: 1 North Range: 5 West
USGS 7.5-Minute Devore Quadrangle Base: San Bernardino
Within 2 Miles: Freeways: SR-15 and SR-210 Airports: None Railways: None Waterways: Lytle/Cajon Creeks

CEQA: ☐ NOP ☐ Draft Program EIR NEPA: ☐ NOI OTHER: ☐ Joint Document
☐ Early Consult. ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.): ☐ Draft EIS ☐ Other:
■ Draft EIR ■ Other: Notice of Completion ☐ FONSI

Local Action Type:

☐ General Plan Update	■ Specific Plan	☐ Rezone	■ Annexation
■ General Plan Amendment	☐ Master Plan	☐ Prezone	☐ Redevelopment
☐ General Plan Element	☐ Planned Unit Development	☐ Use Permit	☐ Coastal Permit
☐ Community Plan	☐ Site Plan	■ Land Division	■ Development Agreement

Development Type:

■ Residential:	8,407 dwelling units	Acres: 939.4±	■ Water Facilities: Levee improvements
■ Office:	849,420		☐ Transportation
■ Commercial:	square	Acres: 95.6±	☐ Mining:
■ Office/Industrial:	feet		☐ Power:
☐ Industrial:			☐ Waste Treatment:
■ Education:	261,360± square feet	Acres: 24.0±	☐ Hazardous Waste:
■ Open Space:		Acres: 1,253.8±	■ Other: Infrastructure improvements

Funding: (approx.): Federal: NA State: NA Total: NA

Project Issues Discussed In Document:

■ Aesthetic/Visual	■ Flood Plain/Flooding	■ Schools/Universities	■ Water Quality
■ Agricultural Land	■ Forest Land/Fire Hazard	☐ Septic Systems	■ Water Supply/Groundwater
■ Air Quality	■ Geologic/Seismic	■ Sewer Capacity	■ Wetlands/Riparian
■ Archeological/Historical	■ Minerals	■ Soil Erosion/Grading	■ Wildlife
☐ Coastal Zone	■ Noise	■ Solid Waste	■ Growth Inducing
■ Drainage/Absorption	■ Job/Housing Balance	■ Toxic/Hazardous	■ Land Use
■ Economics/Jobs	■ Public Services/Facilities	■ Traffic/Circulation	■ Cumulative Effects
☐ Fiscal	■ Recreation/Parks	■ Vegetation	■ Other

Present Land Use/Zoning: County: Rural Residential (RL), Single Family (RS), Floodway (FW), Special Development (SD), and Specific Plan (SP)
City: Specific Plan

General Plan Designation: County: Floodway (FW), Single Residential (RS), Rural Living (RL), Special Development (SD), and Specific Plan
City: Specific Plan Zone (SPZ), Special Study Area, Medium Density Residential/Recreation Golf Course, Low Density Residential, and Open Space

Project Description: The project is the adoption and subsequent implementation of the "Lytle Creek Ranch Specific Plan" (LCRSP), including associated entitlements, authorizing the construction, use, occupancy, and habitation of up to 8,4(dwelling units, 849,420 square feet of commercial, office, light industrial, manufacturing and distribution uses; open space and conservation areas; public and private recreational facilities; school sites; and associated public improvements and infrastructure facilities. The proposed project further includes the construction of a revetment levee along the southern bank of Lytle Creek, spanning a distance of approximately seven miles. In addition to the on-site levee, the project will also construct approximately 2,000 linear feet of levee improvements to an existing levee located on adjoining property.

The specific plan establishes overlay zoning in certain planning areas in accordance with the provisions of the specific plan's development standards. The proposed LCRSP sets forth the distribution, location, extent, and intensity of the uses of land, including open space, and establish design guidelines to govern future development.

The proposed specific plan area totals approximately 2,447.3 acres. The majority of the project area is under the jurisdiction of the County of San Bernardino and the City of Rialto's sphere of influence. The project includes the annexation of the unincorporated aea into the City. The project also includes an additional approximately 19.9 acres which would not be subject to the proposed LCRSP but is nonetheless addressed in the project's environmental documentation as off-site improvements may be constructed there. Infrastructure improvements, associated directly or indirectly with the project's implementation, are anticipated at a number of additional areas located beyond the boundaries of the proposed LCRSP. These improvements constitute master planned facilities, including water and wastewater facilities and street improvements, that have been identified by the City and/or by other governmental entities, will be implemented by those entities or by others and are not expressly initiated by the project proponent or predicated solely by the proposed project, and for which the project proponent bears only a fee payment or fair-share obligation.

Discretionary actions required from the City include, but may not be limited to: (1) amendments to the "City of Rialto General Plan," "El Rancho Verde Specific Plan," "City of Rialto Municipal Code," and "Official Zoning Map"; (2) adoption of the proposed LCRSP; (3) approval of one or more vesting and/or non-vesting tentative subdivision maps, including an "A" level map for financing purposes only; (4) approval of a pre-annexation statutory development agreement with the project proponent that will become a development agreement upon annexation; (5) changes of organization and reorganization including, but not limited to, the annexation of those portions of the project site that are currently located in unincorpora(County to the City; (6) approval, funding, construction, and acceptance of infrastructure improvements, public works; a... other public facilities; (7) associated real property conveyances and acceptances; (8) such other permits, approval, actions, and entitlements as may be reasonably associated with the approval and implementation of the proposed project.

Address Where Copy of the EIR Will be Available: City of Rialto, Development Services Department
150 South Palm, Rialto, CA 92376

Public Review Period:

Starting Date: March 1, 2010 Ending Date: April 15, 2010

Signature of Lead Agency Representative _____ **Date** February 26 2010

Michael E. Story, Development Services Director

Reviewing Agencies Checklist

KEY	
■	= Document sent by Lead Agency
X	= Document sent by SCH
☐	= Suggested distribution

■ Resources Agency (Office of Historic Preservation)
☐ Boating & Waterways
☐ Coastal Commission
☐ Coastal Conservancy
☐ Colorado River Board
■ Conservation
■ Fish & Game (Region 6)
☐ Forestry
■ Office of Historic Preservation
☐ Parks & Recreation
■ Reclamation
☐ S.F. Bay Conservation & Development Commission
☐ Department Water Resources (DWR)

Business, Transportation & Housing
☐ Aeronautics
☐ California Highway Patrol
■ Caltrans (District 8)
☐ Department of Transportation Planning
☐ Housing & Community Development

Food & Agriculture
Health & Welfare
☐ Health Services
☐ Statewide Health Planning

State & Consumer Services
☐ General Services
☐ OLA (Schools)

Cal-EPA
☐ Air Resources Board
■ APCD/AQMD (South Coast AQMD)
☐ California Waste Management Board
■ Regional WQCB (Santa Ana Region) (Region 8)
☐ SWRCB: Delta Unit
☐ SWRCB: Water Quality
☐ SWRCB: Water Rights
☐ SWRCB: Clean Water Grants

Youth & Adult Corrections
☐ Corrections

Independent Commissions & Offices
☐ Bureau of Land Management
☐ Energy Commission
■ Forest Service
■ Native American Heritage
☐ OPR -Coastal
☐ OPR -OLGA
☐ Public Works
■ Public Utilities Commission
☐ Santa Monica Mountains Conservancy
☐ State Lands Commission
☐ Tahoe Regional Planning Agency
☐ TRPA
■ Southern California Association of Governments
■ San Bernardino Associated Governments
■ San Bernardino Local Agency Formation Commission

Public Review Period (to be filled in by Lead Agency)

Starting Date: March 1, 2010

Ending Date: April 15, 2010

Lead Agency (Complete if applicable):

Applicant: City of Rialto – Development Services Dept.
Address: 150 South Palm
City/State/Zip: Rialto, California 92376
Contact: Michael E. Story, Director
Phone: (909) 421-7205

Consulting Firm: Environmental Impact Sciences (EIS)
Address: 26051 Via Concha
City/State/Zip: Mission Viejo, California 92691-5614
Contact: Peter Lewandowski
Phone: (949) 837-1195

For SCH Use Only:

Date Received at SCH_____
Date Review Starts_____
Date to Agencies_____
Date to SCH_____
Clearance Date_____
Notes: _____

NOTICE OF COMPLETION
STATE CLEARINGHOUSE NO. 2009061113
CERTIFIED MAIL AND FEDERAL EXPRESS TRACKING LOG

NOC Comment Period: March 1, 2010 to April 15, 2010

Agency/Address	Tracking Number	Date Mailed	Date Received
Governor's Office of Planning and Research State Clearinghouse Attn: Terry Roberts, State Clearinghouse Director 1400 Tenth Street, Room 222 Sacramento, California 95814	8704 5273 9565 (Federal Express)	02/25/10	02/26/10
Local Agency Formation Commission San Bernardino County Attn: Kathleen Rollings-McDonald, Executive Officer 175 West Fifth Street, Second Floor San Bernardino, California 92415-0490	7010 0290 0000 6905 0593 (U.S. Postal Service)	02/25/10	03/04/10
California Department of Transportation Local Development-Intergovernmental Review Attn: Terri Pencovic, LD-IGR Program Manager 1120 N Street, MS-32 Sacramento, California 95814	7010 0290 0000 6905 0609 (U.S. Postal Service)	02/25/10	03/01/10
California Department of Transportation, District 8 Office of LD-IGR/CEQA Review Attn: Dan Kopulsky, Chief 464 West Fourth Street, Sixth Floor, MS 722 San Bernardino, California 92401-1400	7010 0290 0000 6905 0555 (U.S. Postal Service)	02/25/10	02/26/10
California Department of Fish and Game, Region 6 Attn: Curt Taucher, Regional Manager 3602 Inland Empire Boulevard, Suite C-220 Ontario, California 91764	7010 0290 0000 6905 0616 (U.S. Postal Service)	02/25/10	03/01/10
State Water Resources Control Board Attn: Dorothy Rice, Executive Director 1001 I Street Sacramento, California 95814	7010 0290 0000 6905 0623 (U.S. Postal Service)	02/25/10	03/01/10
California Regional Water Quality Control Board Santa Ana Region (8) Attn: Gerald J. Thibeault, Executive Officer 3737 Main Street, Suite 500 Riverside, California 92501-3339	7010 0290 0000 6905 0579 (U.S. Postal Service)	02/25/10	02/26/10[1]
California Department of Conservation Attn: Bridgett Luther, Director 801 K Street, MS 24-01 Sacramento, California 95814	7010 0290 0000 6905 0647 (U.S. Postal Service)	02/25/10	03/01/10
California Department of Conservation Office of Mine Reclamation Attn: Dennis O'Bryant, Assistant Director 801 K Street, MS09-06 Sacramento, California 95814	7010 0290 0000 6905 0630 (U.S. Postal Service)	02/25/10	03/01/10
California Department of Parks and Recreation Office of Historic Preservation Attn: Milford Wayne Donaldson, HPO 1416 9th Street, Room 1442 Sacramento, California 95814	7010 0290 0000 6905 0586 (U.S. Postal Service)	02/25/10	03/01/10

NOTICE OF COMPLETION
CERTIFIED MAIL AND FEDERAL EXPRESS TRACKING LOG
(Continued)

Agency/Address	Tracking Number	Date Mailed	Date Received
California Public Utilities Commission Attn: Steve Larson, Executive Director 505 Van Ness Avenue San Francisco, California 94102	7010 0290 0000 6905 0654 (U.S. Postal Service)	02/25/10	03/01/10
South Coast Air Quality Management District Attn: Barry R. Wallerstein, Executive Officer 21865 Copley Drive Diamond Bar, California 91765	7010 0290 0000 6905 0661 (U.S. Postal Service)	02/25/10	03/02/10
County of San Bernardino Land Use Services Department Attn: Julie Rynerson Rock, Director 385 N. Arrowhead Avenue, Third Floor San Bernardino, California 92415-0182	7010 0290 0000 6905 0678 (U.S. Postal Service)	02/25/10	02/26/10
County of San Bernardino Department of Public Works Attn: Mazin Kasey, Deputy Director 825 E. Third Street San Bernardino, California 92415	7010 0290 0000 6905 0685 (U.S. Postal Service)	02/25/10	02/26/10
West Valley Water District Attn: Anthony W. Araiza, General Manager 855 W. Baseline Rialto, California 92376	7010 0290 0000 6905 0708 (U.S. Postal Service)	02/25/10	03/05/10
West Valley Water District Attn: Tom Crowley 855 W. Baseline Rialto, California 92376	7010 0290 0000 6905 0715 (U.S. Postal Service)	02/25/10	02/26/10
Rialto Unified School District Attn: Edna D. Herring, Superintendent 182 East Walnut Avenue Rialto, California 92376-3598	7010 0290 0000 6905 0722 (U.S. Postal Service)	02/25/10	02/26/10
San Bernardino City Unified School District Attn: Dr. Arturo Delgado, Superintendent 777 North F. Street San Bernardino, California 92410	7010 0290 0000 6905 0739 (U.S. Postal Service)	02/25/10	03/01/10
Fontana Unified School District Attn: Jane D. Smith, Superintendent of Schools 9680 Citrus Avenue Fontana, California 92335	7010 0290 0000 6905 0746 (U.S. Postal Service)	02/25/10	02/26/10
Fontana Water Company Attn: Robert K. Young, General Manager 8440 Nuero Avenue (P.O. Box 987) Fontana, California 92335	0710 0290 0000 6905 0753 (U.S. Postal Service)	02/25/10	03/02/10
United States Army Corps of Engineers Los Angeles District Office Attn: Col. Alex C. Dornstauder, District Commander P.O. Box 532711 Los Angeles, California 90053-2325	7010 0290 0000 6905 0760 (U.S. Postal Service)	02/25/10	02/26/10

NOTICE OF COMPLETION
CERTIFIED MAIL AND FEDERAL EXPRESS TRACKING LOG
(Continued)

Agency/Address	Tracking Number	Date Mailed	Date Received
United States Fish and Wildlife Service Carlsbad Fish & Wildlife Office Attn: Jim Bartel, Field Supervisor 6010 Hidden Valley Road, Suite 101 Carlsbad, California 92011	7010 0290 0000 6905 0777 (U.S. Postal Service)	02/25/10	03/01/10
United States Forest Service Angeles National Forest Supervisor's Office Attn: Jody Noiron, Forest Supervisor 701 N. Santa Anita Avenue Arcadia, California 91006	7010 0290 0000 6905 0784 (U.S. Postal Service)	02/25/10	02/26/10
United States Forest Service San Bernardino National Forest - Supervisor's Office Attn: Jeanne Wade Evans, Forest Supervisor 602 South Tippecanoe Avenue San Bernardino, California 92408	7010 0290 0000 6905 0791 (U.S. Postal Service)	02/25/10	02/26/10
United States Forest Service Attn: Front Country Lands Officer 1209 Lytle Creek Road Lytle Creek, California 92358	7010 0290 0000 6905 0807 (U.S. Postal Service)	02/25/10	03/16/10
Federal Emergency Management Agency Office of the Director Attn: Nancy Ward, Acting Administrator 500 C Street S.W. Washington, D.C. 20472	7010 0290 0000 6905 0814 (U.S. Postal Service)	02/25/10	03/03/10
Southern California Association of Governments Attn: IGR Office 818 W. Seventh Street, 12th Floor Los Angeles, California 90017	7010 0290 0000 6905 0821 (U.S. Postal Service)	02/25/10	02/26/10
Southern California Association of Governments Attn: IGR Office 3600 Lime Street, Suite 216 Riverside, California 92501	7010 0290 0000 6905 0838 (U.S. Postal Service)	02/25/10	03/08/10
San Bernardino Associated Governments Attn: Deborah Robinson Barmack, Executive Director 1170 W. 3rd Street, 2nd Floor San Bernardino, California 92410-1715	7010 0290 0000 6905 0845 (U.S. Postal Service)	02/25/10	02/26/10
California Department of Fish and Game Attn: Donald Koch, Director 1416 Ninth Street Sacramento, California 95814	7010 0290 0000 6905 0852 (U.S. Postal Service)	02/25/10	03/02/10
California State Lands Commission Attn: Paul D. Thayer, Executive Officer 100 Howe Avenue, Suite 100 South Sacramento, California 95825-8202	7010 0290 0000 6905 0869 (U.S. Postal Service)	02/25/10	03/01/10
State Mining and Geology Board Attn: Stephen M. Testa, Executive Officer 801 K Street, Suite 2015 Sacramento, California 95814	7010 0290 0000 6905 0876 (U.S. Postal Service)	02/25/10	03/01/10

NOTICE OF COMPLETION
CERTIFIED MAIL AND FEDERAL EXPRESS TRACKING LOG
(Continued)

Agency/Address	Tracking Number	Date Mailed	Date Received
Native American Heritage Commission Attn: Larry Myers, Executive Secretary 915 Capitol Mall, Room 364 Sacramento, California 95814	7010 0290 0000 6905 0883 (U.S. Postal Service)	02/25/10	03/01/10
San Manuel Band of Mission Indians Attn: Henry Duro, Chairperson 26569 Community Center Drive Highland, California 92346	7010 0290 0000 6905 0937 (U.S. Postal Service)	02/26/10	03/01/10
San Manuel Band of Mission Indians Attn: Ann Brierty, Environmental Department 101 Pure Water Lane Highland, California 92346	7010 0290 0000 6905 0944 (U.S. Postal Service)	02/26/10	03/24/10
Morongo Band of Mission Indians Attn: Britt W. Wilson, Cultural Resource Coordinator 11581 Potrero Road Banning, California 92220	7010 0290 0000 6905 0951 (U.S. Postal Service)	02/26/10	03/06/10
Chemehuevi Reservation Attn: Charles Wood, Chairperson P.O. Box 1976 Chemehuevi Valley, California 92363	7010 0290 0000 6905 0968 (U.S. Postal Service)	02/26/10	03/01/10
Fort Mojave Indian Tribe Attn: Nora McDowell, Chairperson 500 Merriman Avenue Needles, California 92363	7010 0290 0000 6905 0982 (U.S. Postal Service)	02/26/10	03/01/10
Fort Mojave Indian Tribe Attn: Esadora Evanston, Environmental Coordinator 500 Merriman Avenue Needles, California 92363	7010 0290 0000 6905 1002 (U.S. Postal Service)	02/26/10	03/01/10
San Fernando Band of Mission Indians Attn: John Valenzuela, Chairperson P.O. Box 221838 Newhall, California 91322	7010 0290 0000 6905 0975 (U.S. Postal Service)	02/26/10	03/02/10
Serrano Band of Indians Attn: Goldie Walker 6588 Valeria Drive Highland, California 92346	7010 0290 0000 6905 0999 (U.S. Postal Service)	02/26/10	02/27/10
California Department of Transportation, District 8 Attn: Raymond W. Wolfe, District Director 464 W. 4th Street San Bernardino, California 92402	7010 0290 0000 6905 0890 (U.S. Postal Service)	02/25/10	02/26/10
County of San Bernardino Division of Public Works/Flood Control Attn: Vana Olson, Director 825 E. 3rd Street San Bernardino, California 92415	7010 0290 0000 6905 0913 (U.S. Postal Service)	02/25/10	02/26/10

NOTICE OF COMPLETION
CERTIFIED MAIL AND FEDERAL EXPRESS TRACKING LOG
(Continued)

Agency/Address	Tracking Number	Date Mailed	Date Received
Sunbelt Acquisitions Attn: General Manager P.O. Box 4120 Ontario, California 91761	7010 0290 0000 6905 1064 (U.S. Postal Service)	02/26/10	Returned Undelivered
Storkson Family Trust Attn: Trustee 2828 Lytle Creek Road Fontana, California 92335	7010 0290 0000 6905 1071 (U.S. Postal Service)	02/26/10	Returned Undelivered
BBC Properties, LLC Attn: General Manager 3075 Cranbrook Court La Jolla, California 92037	7010 0290 0000 6905 1057 (U.S. Postal Service)	02/26/10	02/27/10
City of Fontana Community Development Department Attn: Don Williams, Director 8353 Sierra Avenue Fontana, California 92335	7010 0290 0000 6905 0906 (U.S. Postal Service)	02/25/10	02/26/10
City of San Bernardino Development Services Department Attn: Valerie C. Ross, Director 300 N. "D" Street, Third Floor San Bernardino, California 92418	7010 0290 0000 6905 1019 (U.S. Postal Service)	02/26/10	03/01/10
City of Colton Community Development Department Attn: David R. Zamora, Director 650 N. La Cadena Colton, California 92324	7010 0290 0000 6905 1026 (U.S. Postal Service)	02/26/10	03/01/10
Omnitrans Attn: Durand L. Rall, CEO/General Manager 1700 West Fifth Street San Bernardino, California 92411	7010 0290 0000 6905 1033 (U.S. Postal Service)	02/26/10	03/01/10
Southern California Regional Rail Authority Metrolink Attn: Eric Haley, Chief Executive Officer 700 South Flower Street, Suite 2600 Los Angeles, California 90017	7010 0290 0000 6905 1040 (U.S. Postal Service)	02/26/10	03/02/10
Rialto Airport Attn: Rich Scanlan, Director 1451 N. Linden Avenue Rialto, California 92376	7010 0290 0000 6905 1118 (U.S. Postal Service)	02/26/10	03/01/10
Vulcan Materials Company Attn: Douglas W. Sprague 3200 San Fernando Road Los Angeles, California 90065	7010 0290 0000 6905 1088 (U.S. Postal Service)	02/26/10	02/27/10
United Strategies, Inc. Attn: Bruce Cash P.O. Box 11328 San Bernardino, California 92423	7010 0290 0000 6905 1095 (U.S. Postal Service)	02/26/10	03/03/10

NOTICE OF COMPLETION
CERTIFIED MAIL AND FEDERAL EXPRESS TRACKING LOG
(Continued)

Agency/Address	Tracking Number	Date Mailed	Date Received
Dan Silver, Executive Director Endangered Habitats League 8424-A Santa Monica Boulevard, Suite 592 Los Angeles, California 90069-4267	7010 0290 0000 6905 0920 (U.S. Postal Service)	02/25/10	03/01/10
Calnev Pipeline Company Attn: Mark Jensen 1100 Town and Country Road Orange, California 92868	7010 0290 0000 6905 1101 (U.S. Postal Service)	02/26/10	03/01/10
Southern California Gas Company Attn: Richard Moeder, Geographic Services Manager 555 W. 5th Street, GT10G2 Los Angeles, California 90013	7010 0290 0000 6905 1170 (U.S. Postal Service)	02/25/10	03/01/10
Southern California Edison Company Attn: Regulatory Affairs 2244 Walnut Grove Avenue Rosemead, California 91770	7010 0290 0000 6905 1163 (U.S. Postal Service)	02/26/10	03/01/10
Time Warner Cable Attn: Regulatory Affairs 1500 South Auto Center Drive Ontario, California 91761	7010 0290 0000 6905 1194 (U.S. Postal Service)	02/26/10	03/01/10
BIC Engineer – AT&T California Attn: Martha Ann Hudson 3073 Adams Street, 2nd Floor Riverside, California 92407	7010 0290 0000 6905 1187 (U.S. Postal Service)	02/25/10	03/03/10
Metropolitan Water District of Southern California Attn: Jeffrey Kightlinger, General Manager 700 North Alameda Street Los Angeles, California 90012-2944	7010 0290 0000 6905 1149 (U.S. Postal Service)	02/26/10	03/01/10
Rialto Historical Society Attn: Manager/Director 205 North Riverside Avenue Rialto, California 92376	7010 0290 0000 6905 1156 (U.S. Postal Service)	02/26/10	03/03/10
Las Colinas Core Group Attn: Judy Roberts 2536 West Loma Vista Drive Rialto, California 92377	7010 0290 0000 6905 1125 (U.S. Postal Service)	02/26/10	02/27/10
El Rancho Verde Municipal Advising Council County Government Center Attn: Manager/Director 385 North Arrowhead Avenue, 5th Floor San Bernardino, California 92415-0110	7010 0290 0000 6905 1132 (U.S. Postal Service)	02/26/10	03/01/10

Notes:
1. Recipient dated Domestic Return Receipt (DRR) "3/26/10" but, since the DRR was received by the Lead Agency substantially in advance of that date, it is reasonable to conclude that the NOC was received on 2/26/10.

Source: Environmental Impact Sciences

NOTICE OF AVAILABILITY
Draft Environmental Impact Report, SCH No. 2009061113
Lytle Creek Ranch Specific Plan
STATE CLEARINGHOUSE No. 2009061113

This notice announces the availability of the "Draft Environmental Impact Report – Lytle Creek Ranch Specific Plan, SCH No. 2009061113" (DEIR) for the proposed "Lytle Creek Ranch Specific Plan" (LCRSP). This notice is provided pursuant to the noticing requirements found in the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21092) and the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines (California Code of Regulations, Title 14, Section 15087). The purpose of the DEIR is to inform agency decision makers, stakeholders, and the general public of the anticipated significant environmental effects of the proposed project, the potential measures identified by the City of Rialto (City or Lead Agency) to mitigate those significant effects, and reasonable alternatives that could reduce the significant environmental effects of the proposed project to a less-than-significant level.

Project Description. The project is the adoption and subsequent implementation of the LCRSP, including associated entitlements, authorizing the construction, use, occupancy, and habitation of up to 8,407 dwelling units, 849,420 square feet of commercial, office, light industrial, manufacturing and distribution uses; open space and conservation areas; public and private recreational facilities; school sites; and associated public improvements and infrastructure facilities. The proposed project further includes the construction of a revetment levee along the southern bank of Lytle Creek, spanning a distance of approximately seven miles. In addition to the on-site levee, the project will also construct approximately 2,000 linear feet of levee improvements to an existing levee located on adjoining property.

The specific plan establishes overlay zoning in certain planning areas in accordance with the provisions of the specific plan's development standards. The proposed LCRSP sets forth the distribution, location, extent, and intensity of the uses of land, including open space, and establish design guidelines to govern future development.

The proposed specific plan area totals approximately 2,447.3 acres. The majority of the project area is under the jurisdiction of the County of San Bernardino and the City of Rialto's sphere of influence. The project includes the annexation of the unincorporated area into the City. The project also includes an additional approximately 19.9 acres which would not be subject to the proposed LCRSP but is nonetheless addressed in the project's environmental documentation as off-site improvements may be constructed there. Infrastructure improvements, associated directly or indirectly with the project's implementation, are anticipated at a number of additional areas located beyond the boundaries of the proposed LCRSP. These improvements constitute master planned facilities, including water and wastewater facilities and street improvements, that have been identified by the City and/or by other governmental entities, will be implemented by those entities or by others and are not expressly initiated by the project proponent or predicated solely by the proposed project, and for which the project proponent bears only a fee payment or fair-share obligation.

Discretionary actions required from the City include, but may not be limited to: (1) amendments to the "City of Rialto General Plan," "El Rancho Verde Specific Plan," "City of Rialto Municipal Code," and "Official Zoning Map"; (2) adoption of the proposed LCRSP; (3) approval of one or more vesting and/or non-vesting tentative subdivision maps, including an "A" level map for financing purposes only; (4) approval of a pre-annexation statutory development agreement with the project proponent that will become a development agreement upon annexation; (5) changes of organization and reorganization, including, but not limited to, the annexation of those portions of the project site that are currently located in unincorporated County to the City; (6) approval, funding, construction, and acceptance of infrastructure improvements, public works; and other public facilities; (7) associated real property conveyances and acceptances; (8) such other permits, approval, actions, and entitlements as may be reasonably associated with the approval and implementation of the proposed project.

Project impacts. Before mitigation, the DEIR identifies significant environmental impacts on land use, geology and soils, hydrology and water quality, biological resources, transportation and traffic, air quality, noise, public services and recreation, utilities and service systems, hazards and hazardous materials, cultural resources, aesthetics, and growth inducement. After mitigation, the proposed project would continue to produce significant unavoidable impacts on air quality, noise, and growth inducement.

Comment Deadline. Comments on the DEIR will be accepted by the Lead Agency through April 15, 2010. Send comments by mail or facsimile to: Michael E. Story, Development Services Director, City of Rialto, Development Services Department, 150 South Palm Avenue, Rialto, California 92376; Facsimile: (909) 873-4814.

Document Availability. Copies of the DEIR are available for review at the City of Rialto, Development Services Department, 150 South Palm Avenue, Rialto, CA 92376 during the regular business hours of the City. The DEIR is also available at the City's website at www.rialtoca.gov. Electronic copies of the DEIR may be obtained on compact disk at no charge. Paper copies of the DEIR may also be purchased for a price equal to the cost of reproduction. Contact Michael E. Story (see information below) for more information or to request a compact disk or paper copy. In addition, a copy of the DEIR has been made available for public review at the following locations:

City of Rialto
City of Rialto – City Clerk's Office
290 West Rialto Avenue
Rialto, CA 92376
Telephone: (909) 820-2519

San Bernardino County Library
Rialto Branch Library
251 West 1st Street
Rialto, CA 92376
Telephone: (909) 875-0144

City Contact. Michael E. Story, Development Services Director
City of Rialto - Development Services Department
150 South Palm Avenue, Rialto, CA 92376
Telephone: (909) 421-7246
Facsimile: (909) 873-4814

SBS#1802847

2 COL. (4.146") X 13.125"
SB SUN

SAN BERNARDINO COUNTY SUN

This space for filing stamp only

4030 N GEORGIA BLVD. SAN BERNARDINO, CA 92407
Telephone (909) 889-9666 / Fax (909) 885-1253

LIZ MAINE
RIALTO CITY DEV & PLANNING
150 S. PALM AVE.
RIALTO, CA - 92376

SBS#: 1802847

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SAN BERNARDINO) ss

Notice Type: GPNSB - GOVERNMENT PUBLIC NOTICE-SB

Ad Description: STATE CLEARINGHOUSE NO. 200906113

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN BERNARDINO COUNTY SUN, a newspaper published in the English language in the city of SAN BERNARDINO, county of SAN BERNARDINO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN BERNARDINO, State of California, under date 06/20/1952. Case No. 73084. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

03/01/2010

Executed on: 03/01/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

A0000015699O5

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Appendix IV-B

Comment Letters

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DEPARTMENT OF CONSERVATION

OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

Letter No. I-1

March 2, 2010

Michael E. Story
Director
City of Rialto, Development Services Department
150 South Palm
Rialto, CA 92376

LYTLE CREEK RANCH SPECIFIC PLAN
SCH 2009061113

Dear Mr. Story,

No. 1

The Department of Conservation's Office of Mine Reclamation (OMR) has received the Draft Environmental Impact Report (DEIR) for the Lytle Creek Ranch Specific Plan. The Executive Summary of the DEIR mentions extension of a levee onto the adjacent CEMEX property. That property is an existing aggregate mine, Lytle Creek Mine, California Mine ID #91-36-0040.

If the levee results in a substantial change to the mine operation such that it cannot be reclaimed according to its approved reclamation plan, the mine operator would have to prepare an amended reclamation plan. Since the mine falls under the jurisdiction of San Bernardino County, OMR recommends that the City consult with Mr. George Kenline in the County Planning Department to determine whether an amended reclamation plan would be required. Mr. Kenline can be reached at (909) 387-4105. ← No. 2

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-5435. ← No. 3

Sincerely,

James Pompy, Manager
Reclamation Unit

RECEIVED
MAR 08 2010
BY:

cc: George Kenline, San Bernardino County

Letter No. I-2

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

March 11, 2010

RECEIVED
MAR 16 2010
By

Mr. Mike Story, Director
City of Rialto (Development Services Department)
150 South Palm Avenue
Rialto, California 92376

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LYTLE CREEK RANCH SPECIFIC PLAN PROJECT (SCH# 2009061113), CITY OF RIALTO, SAN BERNARDINO COUNTY

Dear Mr. Story:

No. 1

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The proposed Lytle Creek Ranch Specific Plan (LCRSP) is the adoption of the proposed LCRSP. The LCRSP, in combination with a development agreement/pre-annexation agreement between the City of Rialto and the Applicant, will establish new land-use policies affecting the approximately 2,447.3-acre project site. The specific plan would authorizing the development of up to 8,407 dwelling units and 849,420 gross leasable square feet of general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar uses (excluding institutional, educational, recreational, and infrastructure-related uses), allow for the retaining a substantial portion of the project site for open space and conservation purposes, create diverse opportunities for range of public, semi-public, and private recreational facilities, and promote the development of associated public improvements, public works, and infrastructure facilities. The proposed project is located, in part, in the City of Rialto and, in part, in unincorporated County of San Bernardino within the City's adopted Sphere of Influence. The project site can be generally described as being located to the southwest of the unincorporated community of Devore, to the west of the City of San Bernardino, to the south of the San Bernardino National Forest (SBNF), to the east of the City of Fontana, and to the north of confluence of Cajon and Lytle Creeks." DTSC has the following comments:

1) DTSC provided comments on the project Notice of Preparation (NOP) on July 27, 2009; those comments have not been addressed in the draft EIR. Please address DTSC's comments in the final EIR.

2) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. ← No. 2

3) In future CEQA documents, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail. ← No. 3

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491. ← No. 4

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program
Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
nritter@dtsc.ca.gov

CEQA# 2832

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

Letter No. I-3

March 15, 2010

RECEIVED
MAR 22 2010
By

Michael E. Story, Director
City of Rialto (Development Services Department)
150 South Palm Avenue
Rialto, CA 92376

Dear Mr. Story:

The California Energy Commission has received the City of Rialto's (Development Services Dept) Draft EIR titled Lytle Creek Ranch Specific Plan, SCH 2009061113 that was submitted on 2/26/2010 for comments due by 4/12/2010. After careful review, the Energy Commission has found the following: ← No. 1

We would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

In addition, the Energy Commission's *Energy Aware Planning Guide* is also available as a tool to assist in your land use planning. For further information on how to utilize this guide, please visit www.energy.ca.gov/energy_aware_guide/index.html. ← No. 2

Thank you for providing us the opportunity to review/comment on your project. We hope that our comments will be helpful in your environmental review process. ← No. 3

If you have any further questions, please call Gigi Tien at (916) 651-0566.

Sincerely,

Bill Pfanner

BILL PFANNER
Supervisor, Local Energy & Land Use Assistance Unit
Special Projects Office
Fuels and Transportation Division
California Energy Commission
1516 Ninth Street, MS 23
Sacramento, CA 95814

Enclosure

RECEIVED
MAR 22 2010
By

Appendix F

ENERGY CONSERVATION

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

(1) decreasing overall per capita energy consumption,
(2) decreasing reliance on natural gas and oil, and
(3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.

A. Project Description may include the following items:
   1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
   2. Total energy requirements of the project by fuel type and end use.
   3. Energy conservation equipment and design features.
   4. Initial and life-cycle energy costs or supplies.
   5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

C. Environmental Impacts may include:
   1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
   2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
   3. The effects of the project on peak and base period demands for electricity and other forms of energy.
   4. The degree to which the project complies with existing energy standards.
   5. The effects of the project on energy resources.
   6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

D. Mitigation Measures may include:
   1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
   2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
   3. The potential for reducing peak energy demand.
   4. Alternate fuels (particularly renewable ones) or energy systems.
   5. Energy conservation which could result from recycling efforts.

E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

RECEIVED
APR 01 2010
BY:

Letter No. I-4

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

March 24, 2010

Michael E. Story, Director
Development Services Department
150 South Palm
Rialto, California 92376

Dear Mr. Story:

This is in response to your request for comments on the Notice of Completion for the Lytle Creek Ranch Specific Plan located in the City of Rialto, California. ← No. 1

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of San Bernardino (Community Number 060270) and City of Rialto (Community Number 060280), Maps revised August 28, 2008. Please note that the City of Rialto, San Bernardino County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65. ← No. 2

A summary of these NFIP floodplain management building requirements are as follows: ← No. 3

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. ← No. 4

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm. No. 5

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Rialto City floodplain manager can be reached by calling Gene R. Klaft, Project Engineer, at (909) 421-4999. The San Bernardino County floodplain manager can be reached by calling Granville M. Bowman, P. E., Director, San Bernardino County Flood Control District, at (909) 387-7906. No. 6

If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie of the Mitigation staff at (510) 627-7190. No. 7

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Gene R. Klaft, Project Engineer, City of Rialto
Granville M. Bowman, P. E., Director, San Bernardino County Flood Control District
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Region Office
Cynthia McKenzie, Floodplanner, CFM, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

LAND USE SERVICES DEPARTMENT

COUNTY OF SAN BERNARDINO

ADVANCE PLANNNING
385 North Arrowhead Avenue • San Bernardino, CA 92415-0182
(909) 387-4147 Fax (909) 387-3223
http://www.sbcounty.gov/landuseservices

DENA M. SMITH
Director

Letter No. I-5

RECEIVED
APR 01 2010
BY:

March 29, 2010

Michael E. Story
Development Services Director
City of Rialto
150 South Palm Avenue
Rialto, CA 92376

RE: Lytle Creek Ranch Specific Plan

Dear Mr. Story:

We received the Notice of Completion and Environmental Document Transmittal regarding the Lytle Creek Ranch Specific Plan. This letter is to advise you that we will be reviewing the documents and will submit our comments back to you before the deadline date of April 15, 2010. No. 1

Thank you for including us on the mailing list.

Sincerely,

James M. Squire

James M. Squire, Deputy Director
Advance Planning Division

cc: Paul Biane, Second District Supervisor
Greg Devereaux, County Administrative Officer
Dena M. Smith, Director of Land Use Services

Letter No. I-6

MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

RECEIV
APR 1 2 201
BY:

April 5, 2010

Mr. Michael E. Story, Director
City of Rialto (Development Services Dept.)
150 South Palm Avenue
Rialto, California 92376

Dear Mr. Story:

Notice of Preparation of a
Draft Environmental Impact Report for the Lytle Creek Ranch Specific Plan Project

Thank you for your letter regarding your proposed project located in the County of San Bernardino in the city of Rialto. ← No. 1

We reviewed the notice and documentation and determined the proposed Project is not regionally significant to The Metropolitan Water District of Southern California (Metropolitan). Metropolitan does not own or operate any facilities or maintain real estate entitlements within the footprint of the proposed Project; however, we support increased water conservation efforts and encourage projects to include water conservation measures such as using water efficient fixtures, drought-tolerant landscaping, and use of recycled water to offset increases in water use. Additional information on water conservation measures is available on Metropolitan's website at www.bewaterwise.com.

Should there be a change in the scope of the Project, we would appreciate the opportunity to review and comment at that time. If we can be of further assistance, please contact Mrs. Rebecca De Leon at (213) 217-6337. ← No. 2

Very truly yours,

Delaine W. Shane
Manager, Environmental Planning Team

RDL:
(O:\Environmental Planning-Compliance\Becky\Comment Letters Sent\2010\March\Job No 10032401)

Notice of Completion and Environmental Document Transmittal

State Clearinghouse, 1400 Tenth Street Sacramento, CA 95814 (916) 445-0613

See NOTE below
SCH 2009061113

Project Title: Lytle Creek Ranch Specific Plan
Lead Agency: City of Rialto (Development Services Department) Contact Person: Michael E. Story, Director
Street Address: 150 South Palm Avenue Phone: (909) 421-7205
City: Rialto, California 92376 County: County of San Bernardino

Project Location: City of Rialto, City of Rialto Sphere of Influence, and unincorporated County of San Bernardino
County: San Bernardino City/Nearest Community: City of Rialto Zip Code: 92377
Major Cross Streets: I-15 Freeway/Lytle Creek Road/Riverside Avenue/Glen Helen Parkway
Total Acres: 2,467.2± located within the proposed specific plan boundaries plus 19.9± additional off-site acres

Assessor's Parcel Nos. Numerous Sections: 4, 5, 17, 22, 27, and unsectioned portion of T1N, R5W
Township: 1 North Range: 5 West
USGS 7.5-Minute Devore Quadrangle Base: San Bernardino
Within 2 Miles: Freeways: SR-15 and SR-210 Airports: None Railways: None Waterways: Lytle/Cajon Creeks

CEQA: ☐ NOP ☐ Draft Program EIR NEPA: ☐ NOI OTHER: ☐ Joint Document
☐ Early Consult. ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.): ☐ Draft EIS ☐ Other:
■ Draft EIR ■ Other: Notice of Completion ☐ FONSI

Local Action Type:

☐ General Plan Update	■ Specific Plan	☐ Rezone	■ Annexation
■ General Plan Amendment	☐ Master Plan	☐ Prezone	☐ Redevelopment
☐ General Plan Element	☐ Planned Unit Development	☐ Use Permit	☐ Coastal Permit
☐ Community Plan	☐ Site Plan	■ Land Division	■ Development Agreement

Development Type:

■ Residential:	8,407 dwelling units	Acres: 939.4±	■ Water Facilities: Levee improvements
■ Office:	849,420		☐ Transportation
■ Commercial:	square	Acres: 95.6±	☐ Mining:
■ Office/Industrial:	feet		☐ Power:
☐ Industrial:			☐ Waste Treatment:
■ Education:	261,360± square feet	Acres: 24.0±	☐ Hazardous Waste:
■ Open Space:		Acres: 1,253.8±	■ Other: Infrastructure improvements

Funding: (approx.): Federal: NA State: NA Total: NA

Project Issues Discussed in Document:

■ Aesthetic/Visual	■ Flood Plain/Flooding	■ Schools/Universities	■ Water Quality
■ Agricultural Land	■ Forest Land/Fire Hazard	☐ Septic Systems	■ Water Supply/Groundwater
■ Air Quality	■ Geologic/Seismic	■ Sewer Capacity	■ Wetlands/Riparian
■ Archeological/Historical	■ Minerals	■ Soil Erosion/Grading	■ Wildlife
☐ Coastal Zone	■ Noise	■ Solid Waste	■ Growth Inducing
■ Drainage/Absorption	■ Job/Housing Balance	■ Toxic/Hazardous	■ Land Use
■ Economics/Jobs	■ Public Services/Facilities	■ Traffic/Circulation	■ Cumulative Effects
☐ Fiscal	■ Recreation/Parks	■ Vegetation	■ Other

Present Land Use/Zoning: County: Rural Residential (RL), Single Family (RS), Floodway (FW), Special Development (SD), and Specific Plan (SP)
City: Specific Plan

General Plan Designation: County: Floodway (FW), Single Residential (RS), Rural Living (RL), Special Development (SD), and Specific Plan
City: Specific Plan Zone (SPZ), Special Study Area, Medium Density Residential/Recreation Golf Course, Low Density Residential, and Open Space

Project Description: The project is the adoption and subsequent implementation of the "Lytle Creek Ranch Specific Plan" (LCRSP), including associated entitlements, authorizing the construction, use, occupancy, and habitation of up to 8,407 dwelling units, 849,420 square feet of commercial, office, light industrial, manufacturing and distribution uses; open space and conservation areas; public and private recreational facilities; school sites; and associated public improvements and infrastructure facilities. The proposed project further includes the construction of a revetment levee along the southern bank of Lytle Creek, spanning a distance of approximately seven miles. In addition to the on-site levee, the project will also construct approximately 2,000 linear feet of levee improvements to an existing levee located on adjoining property.

The specific plan establishes overlay zoning in certain planning areas in accordance with the provisions of the specific plan's development standards. The proposed LCRSP sets forth the distribution, location, extent, and intensity of the uses of land, including open space, and establish design guidelines to govern future development.

The proposed specific plan area totals approximately 2,447.3 acres. The majority of the project area is under the jurisdiction of the County of San Bernardino and the City of Rialto's sphere of influence. The project includes the annexation of the unincorporated aea into the City. The project also includes an additional approximately 19.9 acres which would not be subject to the proposed LCRSP but is nonetheless addressed in the project's environmental documentation as off-site improvements may be constructed there. Infrastructure improvements, associated directly or indirectly with the project's implementation, are anticipated at a number of additional areas located beyond the boundaries of the proposed LCRSP. These improvements constitute master planned facilities, including water and wastewater facilities and street improvements, that have been identified by the City and/or by other governmental entities, will be implemented by those entities or by others and are not expressly initiated by the project proponent or predicated solely by the proposed project, and for which the project proponent bears only a fee payment or fair-share obligation.

Discretionary actions required from the City include, but may not be limited to: (1) amendments to the "City of Rialto General Plan," "El Rancho Verde Specific Plan," "City of Rialto Municipal Code," and "Official Zoning Map"; (2) adoption of the proposed LCRSP; (3) approval of one or more vesting and/or non-vesting tentative subdivision maps, including an "A" level map for financing purposes only; (4) approval of a pre-annexation statutory development agreement with the project proponent that will become a development agreement upon annexation; (5) changes of organization and reorganization, including, but not limited to, the annexation of those portions of the project site that are currently located in unincorporated County to the City; (6) approval, funding, construction, and acceptance of infrastructure improvements, public works; and other public facilities; (7) associated real property conveyances and acceptances; (8) such other permits, approval, actions, and entitlements as may be reasonably associated with the approval and implementation of the proposed project.

Address Where Copy of the EIR Will be Available: City of Rialto, Development Services Department
150 South Palm, Rialto, CA 92376

Public Review Period:

Starting Date: March 1, 2010 Ending Date: April 15, 2010

Signature of Lead Agency Representative _____ **Date** February 26 2010

Michael E. Story, Development Services Director

Reviewing Agencies Checklist

KEY

■ = Document sent by Lead Agency
X = Document sent by SCH
☐ = Suggested distribution

■ Resources Agency (Office of Historic Preservation)
☐ Boating & Waterways
☐ Coastal Commission
☐ Coastal Conservancy
☐ Colorado River Board
■ Conservation
■ Fish & Game (Region 6)
☐ Forestry
■ Office of Historic Preservation
☐ Parks & Recreation
■ Reclamation
☐ S.F. Bay Conservation & Development Commission
☐ Department Water Resources (DWR)

Business, Transportation & Housing
☐ Aeronautics
☐ California Highway Patrol
■ Caltrans (District 8)
☐ Department of Transportation Planning
☐ Housing & Community Development

Food & Agriculture
Health & Welfare
☐ Health Services
☐ Statewide Health Planning

State & Consumer Services
☐ General Services
☐ OLA (Schools)

Cal-EPA
☐ Air Resources Board
■ APCD/AQMD (South Coast AQMD)
☐ California Waste Management Board
■ Regional WQCB (Santa Ana Region) (Region 8)
☐ SWRCB: Delta Unit
☐ SWRCB: Water Quality
☐ SWRCB: Water Rights
☐ SWRCB: Clean Water Grants

Youth & Adult Corrections
☐ Corrections

Independent Commissions & Offices
☐ Bureau of Land Management
☐ Energy Commission
■ Forest Service
■ Native American Heritage
☐ OPR -Coastal
☐ OPR -OLGA
☐ Public Works
■ Public Utilities Commission
☐ Santa Monica Mountains Conservancy
☐ State Lands Commission
☐ Tahoe Regional Planning Agency
☐ TRPA
■ Southern California Association of Governments
■ San Bernardino Associated Governments
■ San Bernardino Local Agency Formation Commission

Public Review Period (to be filled in by Lead Agency)

Starting Date: March 1, 2010

Ending Date: April 15, 2010

Lead Agency (Complete if applicable):

Applicant: City of Rialto – Development Services Dept.
Address: 150 South Palm
City/State/Zip: Rialto, California 92376
Contact: Michael E. Story, Director
Phone: (909) 421-7205

Consulting Firm: Environmental Impact Sciences (EIS)
Address: 26051 Via Concha
City/State/Zip: Mission Viejo, California 92691-5614
Contact: Peter Lewandowski
Phone: (949) 837-1195

For SCH Use Only:

Date Received at SCH_____
Date Review Starts_____
Date to Agencies_____
Date to SCH_____
Clearance Date_____
Notes: _____

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA HAS NO EXISTING FACILITIES OR RIGHTS OF WAY WITHIN THE LIMITS OF THE PROJECT.

JOB NO.: 100-322-801

Letter No. I-7

Fontana Unified School District

9680 Citrus Avenue · P.O. Box 5090 · Fontana · CA 92334-5090 (909) 357-5000

RECEIVED
APR 15 2010
BY:

April 12, 2010

ATTN: Gina M. Gibson
City of Rialto Development Services Department
150 South Palm Avenue
Rialto, CA 92376

Subject: Draft EIR for Lytle Creek Ranch Specific Plan

Dear Ms. Gibson,

The District has reviewed the Draft EIR for the Lytle Creek Ranch Specific Plan (LCRSP), and has the following comments. ← No. 1

FUSD/RUSD Boundary Splits Planned Neighborhoods ← No. 2

The DEIR references that the planning areas are not coterminous with school district boundaries, but is unclear as to which school district(s) serve particular project neighborhoods. Neighborhood IV is listed as serving only the FUSD (page 4.9-97), although Neighborhood IV is bisected by the FUSD/RUSD boundary (map attached). Additionally, Neighborhood III is split between FUSD and RUSD, with the potential not only for neighbors to be split amongst school districts but individual lots and dwelling units could potentially be split by the existing district boundaries. Please include clarifying language and/or a new map that outlines which project areas attend which school district.

School Capacities ← No. 3

The DEIR calculations regarding the number of new schools needed to serve the current FUSD capacity deficit assumes site sizes of 750, 1200, and 3000 students for elementary, middle, and high schools, respectively. The FUSD board has approved target populations for high schools of 2,500 students, which would increase the high school need from 1.2 to 1.44 high schools.

Previous District Comments ← No. 4

The FUSD submitted comments in response to the NOP of the EIR in July of 2009. The Comment letter was not included in the public comments section of the DEIR, Appendix I-A-B. A copy of that correspondence is attached.

BOARD OF EDUCATION
Kathy Binks
Barbara L. Chavez
Gus Hawthorn
Laura Abernathy Mancha
Julie A. Ramos

SUPERINTENDENT
Cali L. Olsen-Binks

Telecommunications Device for the Deaf (909) 357-5018

Project-Generated students in the FUSD area north of the I-15 Freeway ← No. 5

It appears that all of the residential units within Neighborhood IV are located within the FUSD boundary. This area is a 54-acre area zoned for Multi-Family Residential (MFR, 14-28 du/acre) that will contain a proposed 869 dwelling units. According to the DEIR (page 4.9-101) the 869 units are anticipated to generate 391 K-5 students, 165 6th-8th grade students, and 252 9th-12th grade students. The District does not operate any schools north of the I-15 Freeway, and does not have the capacity at existing schools to house the elementary school students anticipated to be generated from the proposed project. The nearest elementary school, Sierra Lakes Elementary, is anticipated to have 0 remaining capacity when the proposed project is constructed due to other previously planned projects that will be built before the proposed project. The 391 K-5 students are greater than 60% of a new elementary school (FUSD Board of Education desired site size for an ES is 650) and as a result the District may require an additional elementary school to house students generated by the project.

No. 7

In addition to school capacity, the District has concerns regarding student transportation. No area north of the I-15 is set aside for school use, and the District does not have any property available to construct any schools north of the I-15. As a result, a large number of students will be placed in an area that is somewhat isolated from the rest of the District and does not have the same access to schools as other neighborhoods. All 808 K-12 students generated by the project will need to be transported south across the I-15 freeway to attend school. It is not clear if that was the assumption used in the traffic analysis section. In addition to traffic generated, the safety of students walking to school across the I-15 is a concern. The walking trails outlined in the DEIR provide connectivity within the specific plan area, but do not account for the reality that the project places a large number of students on the other side of a major highway, and that those students will be walking to school sites outside the project area as they are not zoned to attend the school sites set aside within the project area. The District requests that some type of narrative, explanation, or additional walking path on the diagrams be included in the DEIR that outlines pedestrian options for students and parents that need to cross the I-15 along Sierra Avenue to reach destinations outside of the specific plan area.

← No. 6

The District appreciates the opportunity to comment on this project, should you require further information regarding this matter please contact me at (909) 357-7521.

← No. 8

Sincerely,

Dennis Nugent

Dennis Nugent
Executive Director, Facilities

Enclosures (Map of FUSD/RUSD split areas, 7-29-2009 FUSD NOP comment letter)

Fontana Unified School District
9680 Citrus Avenue · P.O. Box 5090 · Fontana · CA 92334-5090 (909) 357-5000

July 27, 2009

ATTN: Gina M. Gibson
City of Rialto
Development Services Dept.
150 South Palm Avenue
Rialto, CA 92376

Subject: Notice of Preparation of Draft EIR for Lytle Creek Ranch Specific Plan

Dear Ms. Gibson,

The proposed Lytle Creek Ranch Specific Plan is split between the Fontana Unified School District and the Rialto Unified School District. We request that the environmental analysis include the impact of the project on school facilities (new student generation), traffic and transportation to/from school. Please break down this analysis by school district so that it is clear in the documents what the effects will be on the FUSD and on the RUSD individually. No. 9

Additionally, there are a significant number of units planned within the FUSD boundary north of the I-215 freeway. Currently the FUSD does not operate any schools north of the I-215, and the number of students generated by the project may require an additional elementary school. We request that the student generation analysis be broken out by school district to determine the impact on the FUSD and that any transportation needs such as a new overpass to allow for the transport of students across the I-215 be included in that analysis. No. 10

The District appreciates the opportunity to comment on this project, and should you have any questions regarding the information contained in this letter or require further information please contact me at (909) 357-7522, extension 29456, or via email at purema@fusd.net. No. 11

Thank you for your assistance in this matter.

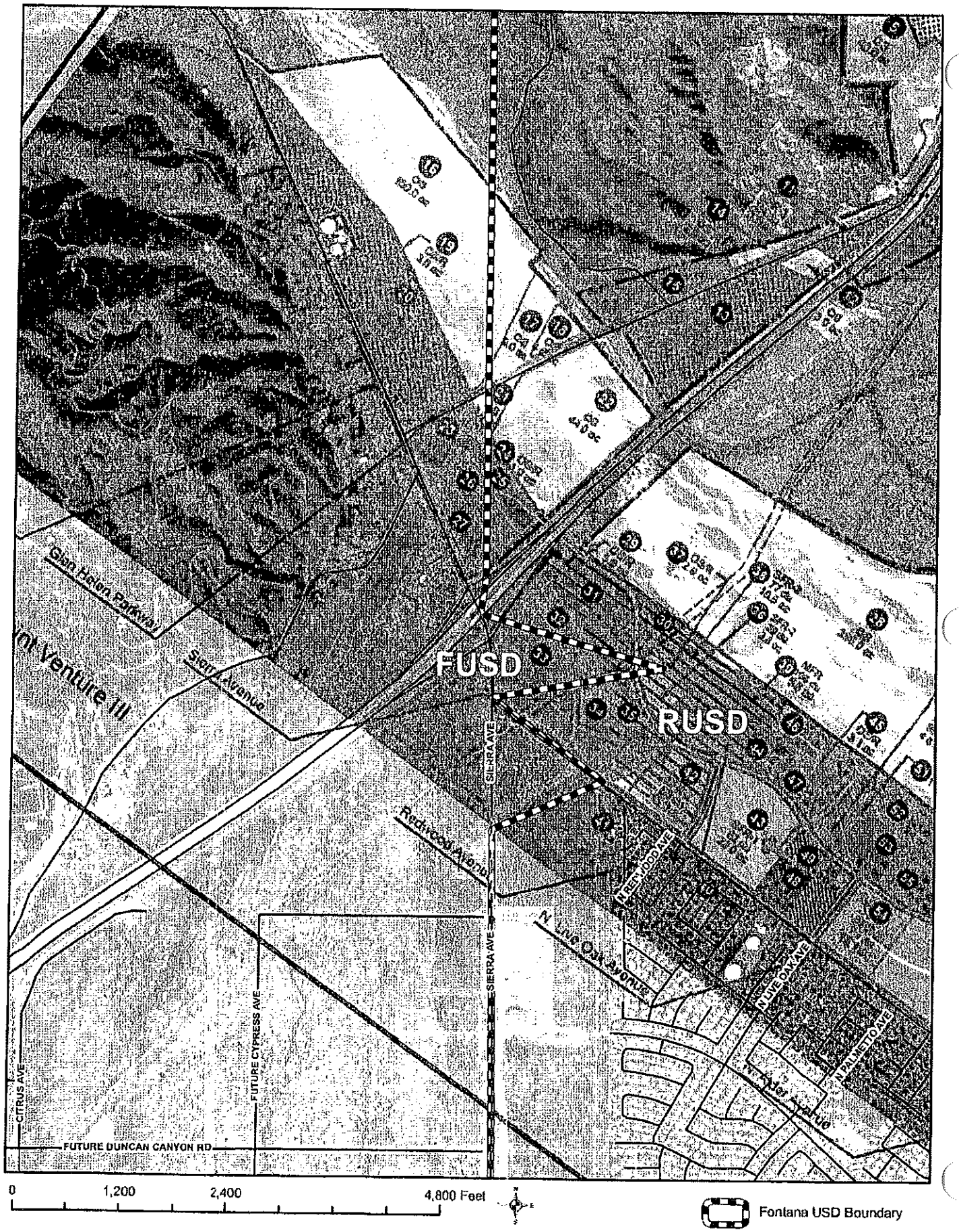
Sincerely,

Melinda A. Pure
Director, Facilities Planning, Design, Construction

BOARD OF EDUCATION
Kathy Binks
BarBara L. Chavez
Gus Hawthorn
Laura Abernathy Mancha
Julie A. Ramos

SUPERINTENDENT
Cali L. Olsen-Binks

Telecommunications Device for the Deaf (909) 357-5018



FUSD
RUSD
Glen Helen Parkway
Sierra Avenue
Redwood Avenue
N Live Oak Avenue
SIERRA AVE
N REDWOOD AVE
N LIVE OAK AVE
N PALMETTO AVE
CITRUS AVE
FUTURE CYPRESS AVE
FUTURE DUNCAN CANYON RD
0
1,200
2,400
4,800 Feet
Fontana USD Boundary

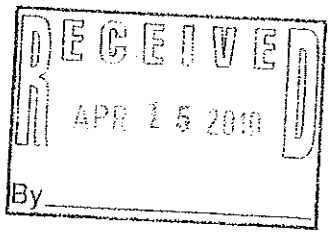
Letter No. I-8

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

Arturo Delgado, Ed.D.
Superintendent

John A. Peukert, Assistant Superintendent, Facilities/Operations

April 14, 2010



Michael E. Story, Director
Development Services Department
City of Rialto
150 South Palm Avenue
Rialto, CA 92376

RE: Lytle Creek Ranch Specific Plan DEIR

Mr. Story:

San Bernardino City Unified School District would like to submit the following comments regarding the Draft Environmental Impact Report for the Lytle Creek Ranch Specific Plan. No. 1

SBCUSD is currently planning a K-8 school to be built in the vicinity of the Lytle Creek Ranch project. However, the design for this school did not take into account the additional capacity which would be generated by approximately 812 dwelling units planned on the SBCUSD portion of the Lytle Creek Ranch Project.

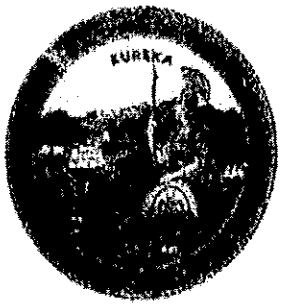
Therefore, the San Bernardino City Unified School District is requesting sufficient mitigation measures to address the capacity issues across all grades due to approximately 627 students which are projected to be generated from the Lytle Creek Ranch dwelling units to be constructed within the SBCUSD boundary.

Sincerely,

Wael Elatar
Facilities Administrator

Wael Elatar, Facilities Administrator
FACILITIES MANAGEMENT / MAINTENANCE & OPERATIONS
956 West 9th Street • San Bernardino, CA 92411 • (909) 388.6100 • Direct (909) 381.1239
•Fax (909) 885.9991 • wael.elatar@sbcusd.k12.ca.us

Letter No. I-9



RECEIVED
APR 15 2010
By

FAX COVER PAGE

Department of Fish and Game
Inland Deserts Region (Region 6)
Habitat Conservation
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
(909) 481-2945 – FAX

To: MICHAEL STORY **Date:** 4-15-10

Fax Number: 909-873-4814 **No. of pages being faxed:** 10

From: JEFF BRANDT

Comments: original to follow by mail.
pw Worthy

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

April 15, 2010

Mr. Michael E. Story, Director
Development Services Department
City of Rialto
150 South Palm Avenue
Rialto, CA 92376

Re: Lytle Creek Ranch Specific Plan Draft Environmental Impact Report (EIR)
SCH No. 2009061113

Dear Mr. Story:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Lytle Creek Ranch Specific Plan Draft Environmental Impact Report (SP/DEIR). The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). ← No. 1

The proposed project involves the potential construction of 8,407 residential dwelling units, and 849,420 square feet of commercial space on 2,447.3 acres. The project also involves the construction of seven miles of levee, including improvements on property currently mined by Cemex USA and additional levee improvements of 0.6 acres. ← No. 2

CEQA Process ← No. 3

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the Draft Environmental Impact Report (DEIR) and additional alternatives or mitigation measures which should be included in the EIR. As a Responsible Agency the Department will be obligated to consult the Final EIR in order to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the Final Specific Plan EIR fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

Project Comments ← No. 4

The primary concern of the Department is the proposed construction of approximately seven (7) miles of levee in the Lytle Creek floodplain and the potential impact of the proposed levee on existing plants and animals in Lytle Creek, potential impacts resulting from channelization of the stream, and possible future measures to protect the levee system from erosion. The proposed impact analysis is deficient and therefore the proposed mitigation measures are also deficient. Due to the fact that many of the projects are dependent upon the construction of a levee, the direct, indirect and cumulative impacts of the levee should be analyzed and mitigated for in the FEIR. The Department recommends the City reexamine the project to identify all impacts, re-analyze and quantify all impacts, prepare a new mitigation proposal to adequately address all impacts, ensure cumulative impacts are considered on a local and regional basis, and revise the alternative analysis to include a discussion of the project without the levee.

Biological Resources ← No. 5

The project potentially involves the take of the following species: the federally-listed San Bernardino kangaroo rat (SBKR) (*Dipodomys merriami parvus*), the State and Federally-listed least Bell's vireo (LBV) (*Vireo belli pusillus*), and the State and Federally-listed southwestern willow flycatcher (SWWFL) (*Empidonax traillii*). Other sensitive biological resources on the site include: Los Angeles pocket mouse (LAPM) (*Perognathus longimembris brevinasus*), burrowing owl (*Athene cunicularia*), Plummer's mariposa lily (*Calochortus plummerae*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), San Diego horned lizard (*Phrynosoma coronatum* ssp. *blainvillei*), golden eagle (*Aquila chryaetos*), northern harrier (*Circus cyaneus*), American peregrine falcon (*Falco peregrinus anatum*), white-tailed kite (*Elanus leucurus*), loggerhead shrike (*Lanius ludovicianus*), Vaux's swift (*Chaetura vauxi*), yellow warbler (*Dendroica petechia brewsteri*), yellow-breasted chat (*Icteria virens*), western mastiff bat (*Eumops perotis*), San Diego black-tailed jack rabbit (*Lepus californicus bennettii*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), western spadefoot (*Spea hammondii*), orange-throated whiptail (*Aspidoscelis hyperythra*), silvery legless lizard (*Anniella pulchra pulchra*), coast patch-nosed snake (*Salvador hexalepis virgultea*), San Diego desert woodrat (*Neotoma lepida intermedia*) and southern grasshopper mouse (*Onychomys torridus Ramona*).

Sensitive habitats include Riversidean alluvial fan sage scrub (RAFSS), Riversidean Sage Scrub (RSS), southern cottonwood willow, sycamore, stream channels and floodplain. Historically, the slender horned spineflower, least Bell's vireo (LBV), southwestern willow flycatcher (SWWFL) and coastal California gnatcatcher (CCGN) were observed on the site but were not discovered in recent focus surveys. The Department recommends field surveys at the appropriate time of year prior to construction to determine if these species are present.

Riversidean Alluvial Fan Sage Scrub (RAFSS) ← No. 6

RAFSS is included in the Department's "Sensitivity of Top Priority Rare Natural Communities in Southern California" as a S1.1 "very threatened" community. A 1997 document entitled "Classification of Alluvial Scrub in Los Angeles, Riverside

and San Bernardino Counties" characterizes RAFSS as a "distinctive and rare plant community" that is now restricted to scattered fragments due to urbanization and alteration of the natural hydrology of Southern California river and stream systems. A 1998 conservation plan entitled "Conservation Plan for the Etiwanda-Day Canyon Drainage System Supporting the Rare Natural Community of Alluvial Fan Sage Scrub" notes the vegetation along Cajon and Lytle washes is structurally diverse and species rich and supports emergent tree species that further enhance wildlife habitat values. Much of the alluvial scrub along Lytle and Cajon washes is in state-designated Significant Natural Area (SBD-013). This document recommends that areas within one hundred meters of flood channels and intermittent streams be given high priority for preservation and that areas with emergent shrubs and others also be given high priority for preservation. In 2000 the County of San Bernardino prepared a map entitled "San Bernardino County Valley Region Storm Drain Facilities and Endangered Species Data". This map clearly shows that the foothill alluvial fans, Lytle and Cajon Creeks and the Santa Ana Wash are the largest remaining blocks of habitat in the Valley region containing endangered species. The Museum prepared a map of the valley showing critical areas. Again, the critical areas were the Santa Ana Wash, Lytle and Cajon Creeks and the foothill alluvial fan areas.

The documents listed above support the importance of the Lytle Creek alluvial fan system as a recognized regional biological resource system containing endangered species and numerous species of special concern. The Department views the Lytle Creek alluvial fan as an extremely important ecological area and one whose ecological value will be drastically reduced if this development does not adequately identify and mitigate impacts. The combination of RAFSS, RSS, and components of coastal sage scrub makes this area extremely important for many listed species and numerous species of special concern. It is a species rich area and one of a few such areas remaining in San Bernardino County. The only comparable areas for alluvial fan sage scrub are the Cajon Wash and the Santa Ana Wash.

The proposed impact analysis is deficient and therefore the proposed mitigation measures are also deficient. The Department recommends the DEIR include a revised and complete analysis of the direct, indirect, and cumulative impacts to the project area relative to the quality of the habitat and opportunities for "in kind" mitigation. The Department recommends identifying the proposed mitigation sites and their respective habitats, and including a graphic of the sites in the DEIR. The Department recommends incorporating the mitigation recommendation of a one hundred meter buffer area for flood channels and intermittent streams noted in the document above. The Department recommends including a discussion to identify and mitigate the impacts of the foreseeable future channelizing of the system to protect the proposed levees and infrastructure. ← No. 7

Project Impacts ← No. 8

The DEIR fails to identify or mitigate the following impacts: the loss of foraging habitat for raptors, the loss of connectivity between upland habitat and the stream channel, the loss of upland habitat and the species dependent upon it, the potential loss of islands in the channel due to erosion from narrowing and confinement of the

channel, the potential loss of existing mitigation lands in the channel, the overall loss of ecological diversity, and potential adverse impacts due to operation of the stream system as a confined flood control channel. Within City Creek and Plunge Creek the flood control agency is considering the need to center-line the flow path because of potential erosion to existing levees. There is no discussion in the DEIR of how the channel would potentially be maintained and managed following construction of the levee and giving the channel over to San Bernardino County Flood Control. These are foreseeable potential adverse impacts that are a direct impact from channelization of the stream system and should be addressed in the DEIR.

Mitigation ← No. 9

The Department generally advocates a mitigation ratio of 3:1 for RAFSS. The loss of 1.7 acres of riparian habitat should be mitigated by restoration or creation in the Sycamore Flat East riparian corridor at a 3:1 ratio. The loss of 2.9 acres of least Bell's vireo habitat should be mitigated by restoration or creation in the Sycamore Flat East riparian corridor at a 3:1 ratio. The Department recommends a 3:1 ratio for impacts and the FEIR should specify whether the Sycamore Flat East riparian corridor is available for mitigation or whether it is already set aside as a mitigation site. If the Sycamore Flat East riparian corridor is not available or only partially available for mitigation purposes, the DEIR should identify the proposed adjacent lands necessary to adequately mitigate the riparian impacts as close to the project as possible.

Impacts to SBKR and its habitat require consultation with the United States Fish and Wildlife Service and compliance with a Habitat Conservation Plan. The DEIR states that impacts to SBKR and their habitat will be mitigated by the preservation of 316.2 acres of occupied on-site habitat and the creation of 75 acres of habitat directly upstream and downstream of the Cemex USA quarry. The details of the final mitigation plan will probably not be available until consultation with the United States Fish and Wildlife Service is completed. As a Trustee agency, the Department requests that once the plan is approved it be made available for comment. ← No. 10

As stated previously, because of the potential cumulative impacts of this project and the proposal for a 7 mile levee system, the DEIR did not adequately identify or analyze the proposed impacts. Therefore the Department recommends the FEIR include a revised analysis of the total impacts and a revised mitigation proposal to adequately mitigate all project impacts. The Department recommends coordinating with the United States Fish and Wildlife Service, United States Army Corps of Engineers, Regional Water Control Board, and the Department to ensure their review and approval of the revised impact and mitigation analysis prior to completing the CEQA process to approve the Specific Plan, and processing individual projects. ← No. 11

Hydrology/Levee System ← No. 12

Page 4.4-35 of the DEIR states that Lytle Creek is a San Bernardino County Flood Control District facility that has "highly debris laden flows" and that "experienced severe erosion and overflowed its banks" in 1969. One study cited in the DEIR compared flow paths from historical major floods. The conclusion was that the Lytle

Creek flow path has been relatively unchanged since 1935, has been incised since 1862 and that only minor movement of the stream banks has occurred within the last 150 years. "A comparison of streambed slopes generally indicates that the active incised channel appears to have reached a long term equilibrium or a relatively stabilized condition "(page 4.4-78). The DEIR hydrology report states that the incised fanhead channel system has "defined boundaries" from the apex of the fan to the Cemex Mining levee system and that these defined boundaries confine the flows from uncontrolled migration across the fan. The analysis appears to be refuted by hydrologic events causing damage as recently as 2004 and 2005. The Department requests a revised hydrological study assessing the impacts associated with the proposed post project state including impacts from future maintenance of the levees.

In 2001 the Department commented on the DEIR for the Lytle Creek North Planned Community (SCH 99051013). This project is on the east bank of Lytle Creek and is adjacent to and surrounded by the proposed Lytle Creek Ranch Project footprint. The 2001 DEIR speculated that future development will create the demand for complete channelization of Lytle Creek and that the width of the creek would be reduced from 1,700 feet to a 675 foot channel. The United States Army Corps of Engineers reviewed the Lytle Creek North Planned Development and concluded that the potential direct impacts of this project would include: changes in general erosion patters within the active floodplain, (2) influences to the natural trends for braided or meander patterns, 3) developing or influencing erosion features in other locations of the floodplain where these were not actively occurring in the existing conditions, and 5) adjustments to the streambed stability or modifying the existing equilibrium conditions. After the construction of the Lytle Creek North Planned Community, the Department prepared Streambed Alteration Agreement 1600-2006-0256-R6 for repairs to the Cemex levee in Lytle Creek, and agreement 1600-2008-0080-R6 for repairs to the San Bernardino Kangaroo Rat Habitat Mitigation Islands in Lytle Creek. Both agreements are on the proposed project site and were required due to severe erosion and flooding within Lytle Creek. The Department requests a revised hydrological study assessing the impacts of the Lytle Creek North Planned Development and the recent armoring of the SBKR mitigation islands on the fluvial process of Lytle Creek from above the upstream northernmost proposed levee to the Cajon Creek confluence to the I-210 and rail road crossing downstream. ← No. 13

The hydraulic floodplain modeling used by the consultants is based on a "fixed-bed" model approach, meaning that the channel geometry and streambed are rigid or do not vary. It has been demonstrated that Lytle Creek can produce significant flood and erosion events, and the hardening of the existing habitat islands and proposed restoration of the Cemex levee were required due to such an event. It appears that implementation of the levee system would result in a pinch point at the southern end of the southernmost island and further erosion of the island in conservation would potentially occur. The Department requests the DEIR include a revised analysis of the cumulative impacts on fluvial processes, whether the construction of a levee or a confined channel would result in the loss of mitigation lands and other impacts to habitats, including the potential impacts to habitats within Cajon Creek above its ← No. 14

confluence with Lytle Creek, and include the impacts associated with future maintenance of the system.

Alternative Analysis ← No. 15

The Department recommends that new alternatives be considered that exclude development of the floodplain and/or exclude the necessity for a 7 mile long levee. In terms of infrastructure, any alternative that would eliminate a 7 mile long levee would both reduce the cost of the project and be environmentally superior. An alternative to the levee is taking development out of the floodplain by raising the elevation of the development footprint. This is not discussed except to note that in the absence of approval for the adjusted floodplain map based upon construction of the levee, raising the elevation of development is the only alternative. This concept was not considered as an alternative. The Department requests that the FEIR consider an alternative that: 1) removes the levee, 2) constructs the levee inland of the proposed location, or 3) elevating development above the floodplain be considered.

Water Quality and Rights ← No. 16

Lytle Creek and the Santa Ana River (Reach 4) are listed on the Clean Water Act (CWA) 303(d) list as an impaired water bodies due to pathogen contamination from nonpoint sources. Lytle Creek drains into the Santa Ana River downstream from the project site within Reach 4 (Mission Blvd. Bridge in Riverside to the San Jacinto Fault (Bunker Hill Dike) in San Bernardino). The DEIR states that based on the land uses associated with the proposed project, the following additional storm water pollutants have the potential to enter Lytle Creek and the Santa Ana River downstream as a result of the project: bacteria/virus, nutrients, pesticides, sediment, trash and debris, organic compounds, oxygen demanding substances, metals, and oil and grease. Environmental Impact 4-7, listed under Section 4.4.5.3: Cumulative Impacts of the DEIR, states: "Development of the project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within Lytle Creek and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources." The DEIR's Preliminary (Impact) Determination for Environmental Impact 4.7 under the DEIR is: "Less-than-significant impact" because the project will "be required to implement BMPs and fully comply with all applicable State water quality laws and regulations." The Department does not agree with this determination. If mitigation measures, such as BMPs, are required to prevent the cumulative impact of the introduction of contaminants into Lytle Creek, Sycamore Creek, and the Santa Ana River from this and future projects, then this impact should be regarded as "potentially significant unless mitigation incorporated." Without the implementation of BMPs for this and future projects within the project site, Lytle Creek, Sycamore Creek, and the Santa Ana River downstream would become further impaired by the additional contaminants listed above and the viability of the associated beneficial uses would be jeopardized.

The DEIR states that West Valley Water District has no restrictions on how much water it can pump and serve within the Lytle Creek region. However, page 4.4-75 ← No. 17

of the DEIR states that the Lytle Creek Groundwater Basin was adjudicated in 1924 and has a safe yield of 35,000-45,000 acre-feet per year. Please identify if this basin is the same basin designated by SAWPA as the Lytle Creek Basin or a different basin designated by another entity. If this basin is the same basin discussed earlier, the Department is concerned with how unrestricted pumping of this basin will exceed the "safe estimated annual yield" for the basin and potentially reduce surface flows in Lytle Creek, Sycamore Creek, and the Santa Ana River downstream. Please clarify which basin is being discussed in each section of the DEIR and analyze the impacts of unrestricted pumping on surface flows and potentially impacts to aquatic resources.

The DEIR states that Cemex USA has agreed to participate in the project's groundwater recharge program by providing two separate spreading basins within the North and South pits at the Cemex USA quarry site on the south side of Lytle Creek. The DEIR states that, "the South Pit levee will include three flow control inlet pipe and valve assemblies to allow high surface water flows into the South Pit", indicating that recharge water will be obtained from Lytle Creek. The Department is concerned that surface water diversions for groundwater recharge at the Cemex USA pits may result in direct and cumulative adverse impacts to the resources of Lytle Creek and the Santa Ana River downstream by reducing instream flow and water availability needed to maintain fish and wildlife habitat within and adjacent to both streams. The DEIR does not clearly identify the water rights requirements for the surface water diversions for groundwater recharge at the Cemex USA pits, nor does it discuss whether or not the City or Cemex USA currently holds a water right or plans to acquire a water right to divert surface flows from Lytle Creek as a part of the project. The DEIR should address the project's need for surface water rights and analyze how surface water diversions on Lytle Creek could potentially impact aquatic resources. No. 18

The Department recommends the Lead Agency address and analyze the direct, indirect and cumulative impacts associated with these issues in the FEIR: No. 19

1. The potential cumulative impacts of the levee system, including levees on the east, on the fluvial processes of Lytle Creek above and below the I-15;
2. The potential individual and cumulative impact of the levee on lands in the channel that are currently in conservation in perpetuity as mitigation for impacts to native fauna and flora (wildlife);
3. Inclusion of a management and maintenance plan for the proposed levee and channel by the San Bernardino County Flood Control Department;
4. A discussion of the proposed levee to protect the mining operation, what is necessary at a mimimum to protect the mining operation, the reasons why is this issue included with this project and an impact and mitigation analysis;
5. A discussion of prior efforts (2006) regarding the repair of Cemex USA levees along Lytle Creek, including proposed design ;

6. A response to the Army Corps of Engineers statements regarding the potential adverse impact of the North Lytle Creek Development levees on Lytle Creek;
7. A discussion of the adverse impact of flooding on in-channel mitigation lands proposed in the Lytle Creek North Development project and implications for this project;
8. The loss of RAFSS and RSS and other sensitive plant and animal resources, including, but not limited to: Plummer's Mariposa lily, Los Angeles pocket mouse, Santa Ana woollystar and San Bernardino kangaroo rat (SBKR) at this location and in the context of riparian foothill systems in the Valley region of San Bernardino County; ← No. 20
9. The project's potential impacts on wildlife movement west to east in the foothills of the San Bernardino National Forest;
10. The project's potential impacts on wildlife movement north and south and the loss of foraging habitat and the potential increased impact of predators on SBKR due to channelization;
11. The validity of the project's analysis of the loss of RAFSS and RSS based upon quantitative estimates of remaining habitat in the valley region of San Bernardino County and in southern California (mitigation for the loss of RAFSS and RSS should be of similar qualitative value, including wildlife species composition);
12. The potential cumulative post development human impacts on Lytle Creek, in terms of trespassing, off-road vehicle use, domestic pets, and trash (the potential impacts of predation on SBKR by domestic cats and dogs is of critical importance); ← No. 21
13. The lack of a stream-floodplain ecosystem analysis and potential development impacts on this ecosystem; ← No. 22
14. The loss of connectivity between stream channel and upland habitat;
15. Separating proposed mitigation lands from existing mitigation lands; ← No. 23
16. Historical locations of the federally-listed endangered Coastal California gnatcatcher and its critical habitat, as well as quantification of any loss of critical habitat; ← No. 24
17. The loss of any critical habitat for any federally-listed species and mitigation for losses;
18. Quantification of the loss of currently occupied SBKR habitat and mitigation for these losses (mitigation for the loss of occupied habitat should result in the conservation of SBKR-occupied habitat); ← No. 25
19. The necessity for a United States Fish and Wildlife Service Habitat Conservation Plan for the SBKR;
20. Alternatives to an armored revetment; ← No. 26
21. An analysis of the potential impacts of new recharge basins in the channel and additional water diversion; ← No. 27
22. An analysis of the temporary and permanent impacts from constructing a soil cement overpour structure over two high pressure gas lines that cross Lytle Creek, and why this is necessary; ← No. 28
23. Inclusion of the construction of seven (7) miles of levee as a "Area of Controversy"; ← No. 29

24. A discussion of the encroachment of proposed development east of S. Lytle Creek Road within the floodplain and a history of flooding and protection of S. Lytle Creek Road; No. 30
25. The potential impact of proposed development east of S. Lytle Creek Road on Santa Ana speckled dace; No. 31
26. The rationale for constructing multi-family residential housing east of S. Lytle Creek Road and the potential impacts of this development on Lytle Creek resources; No. 32
27. An analysis of the loss of State jurisdictional waters due to construction of a levee and placement of housing east of S. Lytle Creek Road and proposed mitigation measures; and No. 33
28. The jurisdictional delineation maps in the DEIR reflect only active channel and do not include the entire State jurisdictional waters, the DEIR should also include an accurate State jurisdictional map to quantify the project impacts to State waters.

Conclusion No. 34

The Lytle Creek Ranch Specific Plan DEIR fails to adequately identify and discuss the project impacts to biological resources and does not provide sufficient mitigation to offset the impacts. Therefore, the Department recommends the City address our above concerns in the FEIR. Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter. No. 35

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Nancy Ferguson, USFWS, Carlsbad, CA

Letter No. I-10

COUNTY OF
SAN BERNARDINO

Board of Supervisors

County Government Center
385 North Arrowhead Avenue
San Bernardino, CA 92415-0110
(909) 387-4811

JOSIE GONZALES, VICE CHAIR
Fifth District Supervisor

EL RANCHO VERDE
MUNICIPAL ADVISORY COUNCIL

Lynn Boshart, Chair
Bedalia Repass, Vice Chair
Lacey Kendall
Dave Maskell
Joe Ayala

EL RANCHO VERDE MUNICIPAL ADVISORY COUNCIL (MAC)

RECEIVED
APR 15 2010
By

Mayor Grace Vargas
City Council Members
City of Rialto Development Services Department
150 S. Palm Avenue
Rialto, CA 92376

April 15, 2010

Mayor Grace Vargas, City Council Member, Development Services Department:

As Chair of the El Rancho Verde Municipal Advisory Council (MAC), I submit this letter to inform you that the MAC has voted (four board members voting in the affirmative with one abstaining) issuing a position of non-support for the Lytle Creek Ranch Specific Plan project as presented. No. 1

In addition to the MAC vote, during a presentation by Lytle Development Company on March 18, 2010, at the Community Meeting held at the El Rancho Verde Country Club, El Rancho Verde residents, approximately 250, expressed overwhelming disapproval, disappointment and resistance to the Lytle Creek Ranch Specific Plan. No. 2

We believe that this project is not in keeping with the unique community lifestyle that El Ranch Verde residents currently enjoy and strive to preserve. While we understand the City of Rialto's desire to annex the project, bring in new development, and expand its tax base, we deem that the draft EIR does not adequately address some of the overriding concerns of those who live here. No. 3

Air Pollution – The proposed development will drastically increase levels of air pollution especially during construction and significantly after new residents locate to the development site. The EIR states, "No feasible mitigations measures exist to reduce construction-term air emissions to below a level of significance." Given that construction of this project will be extended over many years, the air pollution will be an ongoing concern for those residents in the vicinity of the construction site. No. 4
Similarly, during and after the project's operations, the number of vehicles that would converge in the immediate vicinity would add to mobile source emissions and would create significant air problem for residents in an area already noted for its poor air quality.

Building in a Floodplain – The project as proposed would build over 3,000 homes in a floodplain area that is also part of an earthquake fault zone. Should there be a disaster of either proportion, the arteries for this development would not be able to handle the high numbers of vehicles required to leave the area and would overload the main road, Riverside Avenue. No. 5

Land Use Compatibility – There are a number of residents who live immediately to the south of the proposed development site and find that the access to the rear of their properties would be denied when development homes are built to the edge of property lines. These homes, originally sold as horse property would be landlocked. Additionally, without any density buffering between homes on an acre versus homes on 2,800 square No. 6

without any density buffering between homes on an acre versus homes on 2,800 square foot lots the high density is in sharp contrast to the existing neighborhood and diminishes the value of those pre-existing homes.

It is for these reasons that we, the El Rancho Verde MAC, cannot support the current proposal known as Lytle Creek Ranch Specific Plan. We believe that this particular project is in a location that creates many negative impacts for the residents of El Rancho Verde Country Club Estates. We urge the City to reconsider the size and scope of the proposed development, and its adverse environmental impacts on the area and the residents. No. 7

Respectfully,

Lynn Boshart
Chair of El Rancho Verde MAC

LAND USE SERVICES DEPARTMENT

ADVANCE PLANNNING
385 North Arrowhead Avenue • San Bernardino, CA 92415-0182
(909) 387-4147 Fax (909) 387-3223
http://www.sbcounty.gov/landuseservices

Letter No. I-11
COUNTY OF SAN BERNARDINO

DENA M. SMITH
Director

RECEIVED
APR 15 2010
BY:

April 15, 2010

Mr. Michael Story, Community Development Director
City of Rialto
150 S. Palm Avenue
Rialto, CA 92376

Subject: Draft Environmental Impact Report for the Rialto Lytle Creek Ranch Specific Plan

Dear Mr. Story:

Thank you for providing us a copy of the March 2010 Environmental Impact Report (EIR) for the proposed Rialto Lytle Creek Ranch Specific Plan (LCRSP) in the Lytle Creek area north of Riverside Drive. The LCRSP proposes "*up to 8,407 dwelling units and 849,420 gross leasable square feet of general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar uses (excluding institutional, educational, recreational, and infrastructure-related uses)*" on approximately 2,447.3 acres, including an annexation of 1700 acres of unincorporated land. The County of San Bernardino (County) has several concerns regarding the LCRSP and the Draft Environmental Impact Report (DEIR) prepared for it. ← No. 1

RELATIONSHIP TO COUNTY'S GLEN HELEN SPECIFIC PLAN AND RESOURCE MANAGEMENT PLAN ← No. 2

Over 286 acres of the proposed LCRSP are within the boundaries of the County's Glen Helen Specific Plan (GHSP). This plan was prepared between 1998 and 2001 with a Draft Environmental Impact Report being prepared and released for comment in late 2000. Numerous comments were received, with major concerns being raised by the federal and state rescurce protection agencies. As a result, adoption of the plan was delayed nearly five years in order for the County to prepare a Resource Management Plan (RMP) to address the concerns of the US Fish and Wildlife Service and the California Department of Fish and Game. The RMP was completed in 2005 and the specific plan was finally adopted by the Board of Supervisors in November of that year.

The 286-acre area that is proposed to be removed from the GHSP and included in the LCRSP was integrated into the calculation of the Environmental Mitigation Fee of $7000 per acre that was adopted as a part of the RMP and the GHSP Environmental Impact Report. The impacts of removing this area from the GHSP could be substantial, especially in light of all that was required to adopt the plan initially. The DEIR for the LCRSP is inadequate in that there is no analysis addressing the impacts on the GHSP and associated RMP.

In addition, since the LCRSP is proposing to change the boundaries of the GHSP and to decrease the area covered by the County's plan, the applicant must file a Specific Plan Amendment in order to amend the plan boundaries and to complete a proper analysis of the potential impacts that such revisions will have on the GHSP as a whole, including the RMP.

RELATIONSHIP TO COUNTY'S LYTLE CREEK NORTH PLANNED DEVELOPMENT ← No. 3

The LCRSP area includes a portion of the Lytle Creek North Planned Development (aka Rosena Ranch), which was approved by the County in 2001. The LCRSP proposes to annex several parcels of this planned development project into the City. These parcels were designated for commercial and industrial uses, open space and for the construction of a new fire station. The fire station construction was part of an agreement between the developer and the County, and was a result of mitigation measures identified in the EIR. Additionally, one of the affected parcels is currently entitled to construct a warehouse and associated infrastructure improvements, and all parcels designated for commercial/industrial uses are proposed to be removed from the County-approved Planned Development (PD). Should the LCRSP go forward, the County does request that the community trail that was a part of the PD and that connected the PD with the Glen Helen Regional Park be included in the LCRSP provisions.

The County believes that the proposed LCRSP has the potential to drastically affect the already approved Lytle Creek North Planned Development and the associated EIR. The Preliminary Development Plan for this County project needs to be thoroughly evaluated and revised to reflect the potential removal of the parcels from the PD. The applicant must file a Revision to an Approved Action application in order for staff to complete this evaluation, change the project description of the revised PD, and to identify the potential impacts that these revisions will have on the project, including any pertinent mitigation measures. ← No. 4

GEOLOGIC ISSUES ← No. 5

A portion of Sycamore Flat and Sycamore Canyon in the northeast area of the LCRSP lie within an Alquist-Priolo Earthquake Fault Zone designated by the State of California to include traces of suspected active faulting associated with the San Jacinto fault. The San Jacinto fault zone is considered to be one of the most active faults in southern California.

A fault rupture hazard investigation was previously conducted by LOR Geotechnical. Dr. Douglas Morton from the U.S. Geological Survey, Dr. Tomas Rockwell with San Diego State University, Wes Reeder County Geologist and other geologists visited the open trenches constructed to complete this investigation, and they discussed their observations as well as the consultant's conclusions. The results of the investigation were subsequently submitted and approved by the County and submitted to the California Geological Survey.

The study concluded that as a result of the extent and complexity of the faulting, a considerable area should be designated as restricted with respect to placement of residences and other human occupancy structures.

As the DEIR discusses, the area was recently re-investigated by Geo Soils. The results of the new study refute the previous findings and clear the way for residential development within the previously restricted area along the fault. The Geo Soils report recommends the elimination of much of the previously approved building setbacks. In addition, the Geo Soils report indicates that the San Jacinto fault is not a through going fault contrary to what is shown on numerous geologic maps published by the California Geological Survey and the U.S. Geological Survey. ← No. 6

Typical standard of care during a fault investigation is to invite other professionals to review the open trenches. This is especially critical if the results will be controversial and/or contrary to published geologic maps. It is our understanding that no one from the U.S. Geological Survey or the California Geological Survey was asked to review the trenches. In fact, the County Geologist was specifically asked not to review some of the most important trenches within the fault zone. ← No. 7

IMPACTS TO MINING OPERATIONS ← No. 8

The LCRSP area surrounds the CEMEX USA Lytle Creek Quarry on three sides, which has a current County permit to operate through April 2028. The LCRSP proposes single-family residential, commercial, and open space zoning adjacent to the Quarry.

Key issues relevant to the LCRSP are as follows:

- Urban encroachment poses a threat to the ability to continue mining in this location. As seen in other mines that have experienced such encroachment by development, constant traffic, dust and noise complaints from new residents and requests for aesthetic treatments can result in agencies constraining an existing mine and hampering its ability to provide vital resources needed for development.

- The sand and gravel resources in southern California are nearly at a crisis point. The Lytle Creek Quarry is on land designated as a critical mineral resource for the State of California. The LCRSP site lies within an area designed by the State as MRZ-2 (Mineral Resource Zone) that is further classified as a resource of "regional significance." The DEIR states the following: ← No. 9

  > ***Environmental Impact 3-5.*** *A substantial portion of the project site is designated MRZ-2, indicating that the project site contains aggregate resources of regional significance. The proposed project will impact the MRZ-2 classified resources by less than one (0.4) percent. This resource elimination will not affect other available resources in the region. As such, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.*
  >
  > ***Preliminary Determination 3-5.*** *Less-than-significant impact.*

  Although only 2,030 acres of the LCRSP appears to be a relatively small percentage of lands classified by the State Mining and Geology Board as MRZ-2 in the San Bernardino region, the characterization as small is misleading. These values do not accurately represent the true impact of loss because many other areas are mined and reclaimed, land-locked, affected by infrastructure constraints, set aside for flood control measures or conservation for specific endangered species. The comparative analysis should represent the percentage of lands that can reasonably support mineral extraction activities. Loss of lands classified as MRZ-2 for aggregate resources in southern California is never insignificant and is inconsistent with the general provision of the state Surface Mining and Reclamation Act (SMARA).

  Aggregate material has been mined within the general LCRSP area (although not directly on the LCRSP site) since 1955. This statement indicates vested mining interests on adjoined properties and, as such, should be accommodated as long as these operations desire to continue in compliance with SMARA.

- Impacts that restrain the ability to properly mine these resources will potentially result in delays and added costs to the LCRSP. The California Department of Conservation reports that, "...as a construction material, sand and gravel is a key component in products such as Portland cement concrete, asphaltic concrete (blacktop), railroad ballast, stucco, road base, and fill. Aggregate normally provides from 80 to 100 percent of the material volume in these ← No. 10

products. Portland cement concrete, in turn, is also used in a number of building materials such as concrete blocks and pipes, foundation pilings, precast concrete beams, and tilt-up concrete walls. In total, aggregate as a basic construction material has important economic multiplier effects. The availability of aggregate is essential, for example, to the construction industry. Developers, building and highway contractors, cement manufacturers, asphalt producers, construction workers, and truck drivers are dependent, either directly or indirectly, on a ready supply of aggregate. Therefore, the availability of aggregate deposits and their proximity to markets are critical factors in the strength of the economy."

- The City and the County General Plans and Development Codes both support the beneficial extraction of mineral resources and the LCRSP threatens that and its economic benefits. The City Municipal Code 18.76.170 (Mineral Resource Protection) states: "Mine development is encouraged in compatible areas before encroachment of conflicting uses. Land use decisions within the City will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation of property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts." Therefore, this specific plan appears to be inconsistent with Rialto's own municipal code. No. 11

COUNTY ACTIONS REQUIRED No. 12

If the LCRSP is approved as described, the County would be looking at a number of subsequent actions and some of these are acknowledged in the EIR.

As proposed, the LCRSP project will necessitate revisions to the City General Plan and County General Plan, as well as concurrent revisions to the City Municipal Code and County Development Code. In lieu of those changes and revisions as may be required for the adoption and implementation of the proposed project, development of the project site (inclusive of both those areas now located in the City and those areas located in County unincorporated areas) could proceed based on the land-use and development policies currently contained in those planning and regulatory documents. In the absence of the requested general plan and municipal code amendments, the nature and intensity of development within the project boundaries would differ from that now proposed. Based on existing land-use policies, development activities could nonetheless proceed over a substantial portion of the project site. (DEIR, Executive Summary, page 15)

In addition, the LCRSP would necessitate the amendment of the Glen Helen Specific Plan, the Glen Helen Resource Management Plan, its EIR, and the Lytle Creek North Specific Plan and its EIR. The County does not expect to bear these costs for a developer, nor do we assume that any such proposed amendments would be approved by the County Board of Supervisors. Also, these actions would each require their own environmental review and quite likely an EIR would be the most appropriate environmental document to be prepared. Again, the time and funds needed to complete these actions are not something the County offers to undertake or provide.

Other department/agencies within the County have received the Notice of Availability of the DEIR for the LCRSP and will be responding to you under separate correspondence. No. 13

Thank you for considering our comments. If you have any questions or require any information, please contact me at (909) 387-4147. ← No. 14

Sincerely,

James M. Squire

James M. Squire, AICP
Deputy Director
Advance Planning Division

cc: Greg Devereaux, County Administrative Officer
Dena M. Smith, Director, Land Use Services
Marshall Riley, Field Representative, Second Supervisorial District
Dan Flores, Field Representative, Fifth Supervisorial District
Bart Brizzee, Deputy County Counsel

Letter No. I-12

LOCAL AGENCY FORMATION COMMISSION

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Clerk to the Commission

ANGELA M. SCHELL
Deputy Clerk to the Commission

REBECCA LOWERY
Deputy Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

April 15, 2010 *Sent Via E-mail, Fax and U.S. Mail*

Michael E. Story, Director
Development Services Department
City of Rialto
150 South Palm Avenue
Rialto, CA 92376

RECEIVED
APR 15 2010
BY:

RE: Notice of Completion/Notice of Availability of a Draft Environmental Impact Report for the Lytle Creek Ranch Specific Plan (SCH No. 2009061113)

Dear Mr. Story:

The Local Agency Formation Commission (LAFCO) received a copy of the Notice of Completion (NOC) for the draft Environmental Impact Report (EIR) for the Lytle Creek Ranch Specific Plan on March 4, 2010. A copy of this document has also been forwarded to the Commission's Environmental Consultant, Tom Dodson and Associates, who may respond under a separate cover. After reviewing the document, LAFCO has the following comments and/or concerns: No. 1

Executive Summary No. 2

Project Description

It is the LAFCO position that the Project Description should clearly identify the total area of the project that is within the City and the portion that is currently unincorporated. The breakdown of acreage between City and County should also be clearly identified in the table on page 2 (Table ES-1) as well as in the discussions of the Neighborhoods following the table, noting that portions of Neighborhoods 2 and 3 are already in the City. Therefore, only portions of these two neighborhoods and all of Neighborhoods 1 and 4 will require annexation to the City to entitle the project.

Likewise it should also be noted that Neighborhood 1 is already within the West Valley Water District (District) and portions of Neighborhoods 2 and 3 are also located within the boundaries of the District.

Discretionary Permits and Approvals: ← No. 3

In the description of approval and permits, Item (2) indicates an amendment to "the LAFCO and City-approved sphere of influence". There is no sphere of influence amendment anticipated for the project and the annexation of territory to the City does not amend the overall existing sphere determined by LAFCO. It will simply change the portion of the sphere which is unincorporated. In addition, there is no "city approved" sphere designation; a sphere of influence is solely a determination of LAFCO. This should be removed.

As a note, the service provider CSA 70 GH is an improvement zone of the parent County Service Area, not an improvement district. CSA law identifies this subdivision differently than other special districts. ← No. 4

An additional permit or approval that will be required as identified further in the report is the out-of-agency contract anticipated for, at a minimum, sewer service to Neighborhood I. The document identifies the transportation of sewage for treatment at the "Lytle Creek North Wastewater Recycling Plant" which is utilized for service to the adjoining LCNPD (Tract 15900). Since CSA 70 and CSA 70 Improvement Zone GH will be detached from this area, a contract for continuing service between the agencies will be required. In addition, if the alternative for contracting with the San Bernardino County Fire Protection District and its Valley Service Zone is the chosen, this too will require an out-of-agency service contract through detachment of those entities. ← No. 5

Areas of Controversy (Annexation of Non-Contiguous Territory (p 19-21) ← No. 6

It should be noted that the City is pre-zoning the areas that are proposed to be annexed into the City through its adoption of the proposed Lytle Creek Ranch Specific Plan. The information provided in the EIR indicates that the exclusion areas that were identified by LAFCO are not being included as part of the EIR and no land use designations have been identified for these areas.

However, as identified in the Notice of Preparation comments made by LAFCO staff, the addition of the exclusion area that separates Neighborhood

4 from Neighborhood 3 (I-15 Freeway right-of-way) is required in order for it to be contiguous with the City's boundaries. Likewise, the addition of the exclusion area that separates Neighborhood 1 from Neighborhood 4 (Sycamore Creek Drive right-of-way) is also required in order for it to be contiguous. Absent contiguity, the City's annexation cannot take place. Non-contiguous City annexation can only take place if the non-contiguous territory is owned by the city and used for municipal purposes.

In addition, the exclusion of the West Valley Water District parcels from the City annexation (one along Lytle Creek Road and the other just north of the El Rancho Verde golf course) will create totally surrounded unincorporated islands. Likewise, the exclusion of the County-owned parcels and the I-15 Freeway right-of-way area in Neighborhood 1 creates a peninsula of unincorporated land which qualifies as a substantially surrounded island. The creation of totally surrounded islands and/or substantially surrounded islands are generally not supported by the Commission since this causes issues related to service delivery. ← No. 7

We include these comments to be sure that it is understood that the City will have to undertake subsequent action to pre-zone these areas separately in order for the annexation to take place. Such pre-zoning will require the City, as Lead Agency under CEQA, to prepare a separate environmental assessment (or an addendum) for the areas that are being pre-zoned outside of the scope identified in overall Specific Plan. ← No. 8

Annexation to West Valley Water District ← No. 9

Only a portion of the entire project area will be annexed into the District. It would be helpful if a map of the District showing the area(s) proposed to be annexed was included toward the beginning of the document. The reference made in the document for the West Valley Water District Annexation Area, (Figure 4.3-10) as cited on page 4.1-194, as shown on Figure 4.10-4 on page 4.10-41, and other locations, are inaccurate and should be corrected in the final document.

Sewer Service from County Service Area 70 GH for Neighborhood 1 ← No. 10

As note above, the project as described will require an out-of-agency service agreement with CSA 70 Zone GH for wastewater treatment and disposal. However, in addition to sewer service, CSA 70 Zone GH also provides water, park and recreation (which includes trails), streetlights, and storm drain services (levees and detention basins). It is LAFCO staff's opinion that since

Neighborhood 1 will be detached from this agency, the effect on provision of these other services should also be evaluated in the EIR.

Page 2-52 identifies that for Neighborhood I, the drainage system is anticipated to connect into facilities designed by, to be built by, and maintained by CSA 70 Zone GH. No mention is made regarding addressing agreements for joint service in this area. Depending upon the type of agreement it may require a discretionary review and approval by the Commission. No. 11

In Section 4.10 there are no conceptual plans provided for sewering Neighborhood I though there are conceptual plans provided for Neighborhoods II through IV (Figure 4.10-6). The conceptual system for serving Neighborhood I should be identified. No. 12

San Bernardino County Fire Protection District (SBCFPD) and its Valley Service Zone No. 13

The reference beginning on page 4.9-47 comingles fire facilities which are proposed or operated under SBCFPD with those proposed or operated by the Fontana Fire Protection District (FFPD). Throughout this portion of the document it should be clear that "Central Valley" no longer exists as an agency. While FFPD has chosen to provide its services through a contract with SBCFPD, that does not mean their facilities are those of the County. LAFCO understands that this may be confusing, but to be precise as to responsibility for operation, maintenance and funding it is important to be clear on this issue.

On page 4.9-48 the document discusses the future Station 81 identifying a location on an exhibit to the Lytle Creek North Planned Development Master Plan, but no exhibit in this document shows the location. It is LAFCO staff's understanding that the location of this facility is anticipated on lands now proposed for annexation to the City of Rialto and removal from SBCFPD, CSA 70 GH and the LCNPDMP which as a mitigation measure required the facility and it's funding for operation and maintenance. At this juncture, suffice it to say LAFCO staff will be required to review the service impact to the remaining area as a part of our review. No. 14

Also on page 4.9-88 the document discusses the four options for providing fire protection and emergency medical response, which from a governance perspective is unclear. For Option 2, it appears that this would allow for full annexation of territory to the City, but detachment from SBCFPD and its Valley Service Zone would be limited to the area south of the I-15 Freeway. No. 15

Or is it the determination of this option that the City would contract with the SBCFPD for continuing service. If this is the case, then no reimbursement would be required for Neighborhood I and IV as they would be retained in the SBCFPD. Option 3 would not be practical, in the LAFCO staff opinion, since it would not annex Neighborhood I and IV into the City; therefore, the land use plan would not be entitled. These responses illustrate the confusion in reviewing this discussion in the EIR document. We believe that this should be clarified and explained in greater detail.

If you have any questions concerning the information outlined above, please do not hesitate to contact me or Samuel Martinez, Senior LAFCO Analyst, at (909) 383-9900. Please maintain LAFCO on your distribution list to receive further information related to this process. We look forward to working with the City on its future processing of this project. No. 16

Sincerely,

KATHLEEN ROLLINGS-McDONALD
Executive Officer

cc: Tom Dodson, Tom Dodson & Associates, LAFCO Environmental Consultant
Gina Gibson, Senior Planner, City of Rialto
Jan Dabney, Property Owner Representative, Lytle Development

Letter No. I-13

RECEIVED
APR 15 2010
BY:

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-MAILED: APRIL 15, 2010

April 15, 2010

Mr. Michael E. Story, Director
Development Services Department
City of Rialto
150 South Palm Avenue
Rialto, CA 92376

Draft Environmental Impact Report (Draft EIR) for the Proposed Lytle Creek Ranch Specific Plan (LCRSP)

The South Coast Air Quality Management District (AQMD) 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. ← No. 1

AQMD staff is concerned that the lead agency is considering creating potentially incompatible land uses but has not adequately disclosed to the public the air quality impacts and health risks in the Draft EIR. Further, there is no commitment to perform additional air quality analyses pursuant to CEQA for projects contained within the LCRSP. Hence, it is the AQMD staff's understanding that the proposed overlay uses and their air quality impacts on residences and other sensitive receptors could be waived at the discretion of the lead agency and ultimately, not performed. The potential land uses in the proposed overlay may have serious air quality and health impacts depending on how they are designed and their proximity to sensitive receptors. The AQMD's staff strongly cautions the lead agency on siting toxic emitting industrial sources such as metal plating facilities, warehouses, and distribution centers in close proximity to residents and other sensitive receptors. ← No. 2

The AQMD staff encourages the lead agency to consider implementing the recommended distances described in the California Air Resources Board Air Quality and Land Use Guidelines Handbook in this initial planning stage to further protect those residences and other sensitive receptors from adverse air quality and health effect from the off-site sources and the proposed overlay uses. As required under CEQA, the AQMD staff recommends that the lead agency commit to quantitatively evaluating and disclosing air quality impacts, including health risks, from the proposed overlay land uses. ← No. 3

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff is available to work with the Lead ← No. 4

Agency to address these issues and any other questions that may arise. Please contact Ian MacMillan, Program Supervisor – Inter-Governmental Review, at (909) 396-3244, if you have any questions regarding these comments.

Sincerely,

Susan Nakamura
Planning and Rules Manager
Planning, Rule Development & Area Sources

Attachment

SN:IM:JK:GM

LAC100302-06
Control Number

Future Project Construction/Operation Air Quality Analyses ← No. 5

1. As described in the Draft EIR, the LCRSP includes four residential neighborhoods totaling approximately 8,407 dwelling units on about 939.4 acres, with approximately 19.5 acres of commercial uses, and other non-residential development on an additional 95.6 acres. Besides these proposed land uses, the lead agency also proposes alternative land uses that could be sited within the underlying project areas including the Village Center Commercial Overlay (VCO) and the General Warehouse Overlay (GWO). These overlay zones would allow for land uses with the potential for toxic air emissions including gasoline service stations, automobile repair shops, welding, machine and metal plating shops, manufacture and assembly facilities, research and development facilities, printing and blueprinting shops, warehouse and distribution centers and other similar uses described on page 4.7-76 of the Draft EIR.

   The lead agency states that these alternative land uses could be permitted or conditionally permitted and sited in close proximity to residential or other sensitive receptors without future CEQA review. The lead agency also concludes that the juxtaposition of these incompatible land use types could create significant air quality impacts including carcinogenic health risks from sources such as diesel trucks from warehouse operations, quarrying, and other industrial uses. However, the lead agency does not quantify these potential health risks of these overlay zones in the Draft EIR. Instead, the lead agency concludes in Table 4.1-4 (page 4.1-106) and Mitigation Measure 1-1 (pages 4.201 and 4.202) that these project impacts could be analyzed at a future date at the discretion of the lead agency, yet project analyses could be waived on a case by case basis. This creates uncertainty that potentially significant impacts would not be analyzed and disclosed for projects within the overlay zones.

   Based on CEQA Guidelines §15151 (Adequacy), §15152 (Tiering) and §15126.6(d) (Alternatives), AQMD staff believes that the analysis of these alternative project impacts should not be discretionary. The lead agency should commit to quantifying and presenting to the public the magnitude of impacts due to these overlay zones either in the Final EIR or in subsequent project-specific CEQA documents.

2. The Draft EIR states that future industrial development within the LCRSP area may be approved at the discretion of the lead agency, potentially without CEQA review. As the air quality analysis presented in this Draft EIR is not sufficient to cover AQMD permitting requirements for new sources of emissions subject to AQMD rules, the lead agency should clarify in the Final EIR that all new permitted sources of emissions will require additional CEQA analysis prior to construction or operation. ← No. 6

Localized Significance Thresholds ← No. 7

3. As noted in Table 4.712 (page 4.7-67) of the Draft EIR, the lead agency estimated localized significance impacts from construction based on the underlying land uses stated in the project description but did not estimate localized construction or operation air quality impacts for the overlay land uses (see also comment #1). The Draft EIR states on pages 4.7-76 and 4.7-79 that the proposed project allows the lead

agency to authorize land uses with potentially significant emissions such as warehouse distribution centers, light and medium industrial facility uses, metal plating facilities, etc. as approved permitted or conditionally permitted uses within portions of the proposed project area. Because the proposed project is located within one-quarter mile of sensitive receptors (residential properties) west, southwest, and southeast of the proposed project, the AQMD requests that the lead agency evaluate localized air quality impacts for both the underlying and overlay project uses to ensure that any nearby sensitive receptors are not adversely affected by the construction and operational activities that are occurring in close proximity. AQMD guidance for performing a localized air quality analysis can be found at the following web address: http://www.aqmd.gov/ceqa/handbook/LST/LST.html .

Operational Mitigation Measures ← No. 8

4. Because the lead agency has determined that project operational air quality impacts have exceeded the AQMD recommended daily significance thresholds for VOC, NOx, CO, PM10 and PM2.5 and that cancer risks exceed the AQMD significance threshold of 10 in one million (10×10^{-6}), the AQMD staff recommends the following modifications and additions to further reduce operational and cancer risks, if applicable and feasible:

   Proposed changes:

   Mitigation Measure 7-17 requires the installation of air filtration systems meeting specified performance standards on all residential dwelling units located within a 500-foot distance of the I-15 Freeway right-of-way, the CEMEX USA quarry and the Vulcan Materials Company plant.

   For Mitigation Measure 7-17, the AQMD recommends that the lead agency include language that will describe enforceability and monitoring in the Final EIR. It is not clear who is responsible for the air filtration systems and how the systems will be serviced to ensure mitigation will continue to protect the health of the new and future residents and other sensitive receptors located within 500 feet of the aforementioned emission sources over time.

   Additional Measures:

   Mitigation Measure 7-18 prohibits the placement of public recreational uses within 500 feet of the I-15 freeway, a quarry, and a rock processing plant. The AQMD also recommends that the lead agency consider implementing recommendations from the CARB Air Quality and Land Use Handbook Guidelines (http://www.arb.ca.gov/ch/landuse.htm) when developing any sensitive receptors such as residences, hospitals, convalescent homes, day-care centers, and schools. These include:

- a 500-foot buffer from the I-15 Freeway right-of-way, the CEMEX USA quarry and the Vulcan Materials Company plant according to CARB guidance, which could be implemented similar to the setback proposed in Mitigation Measure 7-18. This could be done as a deed restriction prohibiting the establishment of sensitive receptor development within the 500 foot distance.
- a 1,000 foot buffer from warehouse distribution centers (that accommodates more than 100 trucks per day, more than 40 trucks with operating TRUs [Transport Refrigeration Units] per day, or where TRU unit operations exceed 300 hours per week);
- a 300 foot buffer from large gasoline dispensing facilities;
- a 50 foot buffer from typical gasoline stations; and
- a 500 foot buffer from a dry cleaning facility that operates two or more machines (utilizing 'perc') or within 300 feet of a dry cleaning facility that has fewer than two machines.

5. On page 4.7-76 in Section 4.7: Air Quality, the lead agency authorizes warehouse distribution center land uses as part of the General Warehouse Overlay. Therefore, the AQMD recommends that the lead agency review additional recommendations that pertain to new warehouse distribution centers. A copy of the Western Riverside Council of Governments (WRCOG) "Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities" is available directly from WRCOG and is also available on the AQMD's website at: http://www.aqmd.gov/ceqa/hdbk.html. The Guidelines were developed through the WRCOG's Regional Air Quality Task Force. The objective of the Guidelines is to provide local governments and developers with a menu of options of strategies that can reduce exposure to diesel particulate from new and/or modified warehouse or distribution centers. The Guidelines include seven goals, and a variety of strategies for each goal that can be implemented in whole or part. There are a variety of benefits associated with adopting the guidelines, such as reducing the exposure of residents and sensitive receptors to diesel emissions. ← No. 9

6. Recommendations for Truck Idling Facilities: ← No. 10

   - Take into account the configuration of the proposed distribution centers and avoid residences and other sensitive land uses from being located near entry and exit points; and
   - Provide a minimum buffer zone of 300 meters (roughly 1,000 feet) between truck traffic and sensitive receptors;
   - Re-route truck traffic by adding direct off-ramps for the truck traffic or by restricting truck traffic on certain sensitive routes;
   - Improve traffic flow by signal synchronization;
   - Enforce truck parking restrictions;
   - Develop park and ride programs;
   - Restrict truck idling;
   - Restrict operations to "clean trucks," such as a 2007 or newer model year or 2010 compliant vehicles;

- Provide electrical hook-ups for trucks that need to cool their load;
- Electrify auxiliary power units;
- Use 'clean" street sweepers;
- Pave roads and road shoulders;
- Provide onsite services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria service, automated teller machines, etc.;
- Require or provide incentives to use low-sulfur diesel fuel with particulate traps; and
- Conduct air quality monitoring at sensitive receptors.

United States Department of Agriculture

Forest Service

RECEIVED
APR 15 2010
By

Front Country Ranger District

1209 Lytle Creek Road
Lytle Creek Ca 92358
(909) 382-2851
(909) 887-8197 FAX

FAX COVER SHEET

Date: 4/15/10 Urgent? Yes [ ] No [ ]

PLEASE NOTIFY THE FOLLOWING INDIVIDUAL THAT THIS FAX HAS ARRIVED.

This Fax is directed to:

Full Name: Michael Story

Unit: City of Rialto Staff: Development Services Dept

Telephone Number: _____ Fax Number: 909-873-4914

Total Number of Pages Including this Cover Sheet: 7

Special Instructions:

US Forest Service comments to Lytle Creek Ranch Species Plan DEIR

This Fax Was Sent By:

Full Name: Jerry Siaski Staff: _____ Phone: 909-382-2887

Lytle Creek Ranger Station Telephone Number: (909) 382-2851

Lytle Creek Ranger Station Fax Number: (909) 887-8197

Letter No. I-14

USDA United States Department of Agriculture | Forest Service | San Bernardino National Forest
Front Country Ranger District
1209 Lytle Creek Road
Lytle Creek, CA 92358
909-382-2600 #3 (Voice)
909-887-8197 (FAX)

File Code: 1560
Date: April 15, 2010

Michael Story
Development Services Director
City of Rialto
150 South Palm
Rialto, CA 92376

Dear Mr. Story,

Thank you for the opportunity to comment on the Lytle Creek Ranch Specific Plan Draft EIR. Enclosed are the comments I would like to submit for inclusion in the analysis process and development of this project. ← No. 1

The forest's concerns are related to this project's sphere of influence that directly border or are within close proximity to the San Bernardino National Forest (SBNF). The issues of *fire safety, access, recreation, open space, trespass, biological resources, water, and erosion* are addressed in this letter.

Fire safety ← No. 2

Wildfires in southern California are natural and recurring processes. Wildland fire's return to the landscape is not a matter of if, but rather when, and with what consequences. We recommend that you observe the following parameters:

- State & County ordinances typically require 100' of fuel modification, including fuel breaks and green-belting. These activities will not be available on National Forest system lands nor is the national forest required to provide this clearance.
- We recommend that you have adequate defensible space between the national forest boundary and your proposed development.
- We encourage you to include proper infrastructure planning to incorporate emergency service access. This includes access roads and helicopter landing zones. These access roads can not only effectively serve as ingress points for suppression forces to extinguish fire starts, but also can double as a firebreak or anchor point from which to burn out vegetation during suppression operations.
- Reservoirs, where proposed as part of this development, should be available for helicopter dipping for wildfire activity in the foothills.
- We recommend that you build low density housing along the urban interface with the national forest along with wider streets to accommodate emergency equipment. Also, a higher frequency of water opportunities (hydrants) in this zone is recommended.

Access, recreation, open space, and trespass ← No. 3

We encourage open space elements for recreation and open space opportunities within new developments. Recreation opportunities, including hiking and equestrian trails, are to be provided for within the boundary of the development and not proposed on National Forest Lands. With that said, Figure 3-3 of the specific plan entitled "Trail Plan" identifies a "hiking trail" that extends a substantial distance onto National Forest lands. We will not allow trails on the national forest without National Environmental Protection Act compliance which will require funding by the proponent to assure compliance with the regulations involved. We also have concerns with unauthorized off-highway vehicles, creation of

unauthorized trails, and components of the proposed development that restrict public access to the National Forest.

We encourage you to work with the National Forest to avoid conflicts over access, both in terms of the new development creating access problems for the Forest, and pre-existing National Forest access points creating problems for new developments. Road access must be maintained to all Forest Service roads through any developments adjacent to public land where accessibility may be affected by this project. Please ensure that the Forest Service retains all easements through the proposed project area. Also maintain a right-of-way to the national forest over existing routes for recreationists and fire fighting forces.

A particular issue that has become more important in recent years and is becoming a growing concern is trespass. The extreme urban interface on this forest requires definition and protection. Trespassing has consumed many acres of public land and must not continue. We request that this proposal include defined boundaries and other aesthetic barriers that will:

- Clearly define the forest boundary to the casual observer and educate homeowners on the appropriate use of the National Forest.
- Impede the insurgence of any type of illegal occupation by future homeowners. A system of physical barriers should be installed to prevent off-road access into adjacent National Forest land and designated open spaces.
- Reduce the conflicts between humans and wildlife entering developed areas.

Preventing future trespasses will ensure that public lands are not lost to illegal activity and we thank you for your cooperation in this effort.

Wildlife, botanical, and cultural ← No. 4

Impacts that may result from development include habitat loss and modification, stream de-watering, noise disturbance, light disturbance, increased fire starts, non-native species introductions, and the impacts of pets. Of highest concern for wildlife is conservation of riparian areas, coastal sage scrub communities, and landscape linkages. An additional widespread threat is the rapid spread of nonnative species into native habitats.

Development in the low-elevation foothills adjacent to the SBNF has increased, causing low elevation foothill species and communities to become increasingly rare. Coastal sage scrub communities, in particular, are susceptible to type-conversion and loss due to development. Type-conversion is often a result of frequent fires beyond natural levels. Fire repeatedly originates at the wildland urban interface. Additionally, maintained fuel breaks in these areas lead to type-conversion. Numerous species-at-risk depend on these low-elevation habitats. ← No. 5

There is a need to maintain an inter-connected network of undeveloped areas or landscape linkages, which retain specific habitats and allow for maintenance of biodiversity and wildlife movement across the landscape. National Forest lands are a core element of this natural open space network and will play an increasingly important role as additional habitat fragmentation occurs on surrounding private lands. The SBNF strives to collaborate with local government, developers, and other entities to complement adjacent federal and non-federal land use zones by providing for landscape linkages. ← No. 6

Invasive nonnative species are animal and plant species with an extraordinary capacity for multiplication and spread at the expense of native species. These species can cause environmental harm by significantly changing ecosystem composition, structure, and function. They are known to prey upon, consume, harm, or displace native species. Installation of new reservoirs, which are often associated with new ← No. 7

No. 8

developments, has a high potential to facilitate the spread of invasive animals. Bullfrogs, African clawed frogs, and other nonnative animal species can seriously impact closely adjacent national forest wildlife populations. Invasive plant species such as tamarisk, arrundo, and other ornamental plants used on adjacent private lands can provide sources of infestation to the SBNF. Specific comments to the DEIR include the following:

1. There are 51.0 acres within the project area that are occupied by San Bernardino kangaroo rat (SBKR) which are outside of the designated 100-year floodplain. The Biological Resources Assessment (page 87-88) states that these areas are only occupied due to "...anthropomorphic causes and will not persist for more than a short period of time". It further states that these 51.0 acres do not contain "viable" constituent elements of Critical Habitat for the species and are thus not considered during the analysis. While it is likely that these upland areas do not often experience common flooding necessary to create open habitat preferred by this species, these areas are important because they provide refugia during flooding events. Given the current fire frequency, 100-year type events have become more frequent with the burning off of vegetation. What we have seen is that after a fire, a 5-year precipitation event can emulate a 100-year flood event when vegetation is removed. Further, in the urban interface environment, ignition sources increase which increases fire frequency.

The Federal Register (Vol. 73, Number 202, page 61961) for designation of Critical Habitat for the San Bernardino kangaroo rat states:

> More important to the preservation of the San Bernardino kangaroo rat in channelized systems where bank-to-bank flooding can occur are individuals occupying the upland areas as they may be the only individuals remaining for recolonization of the lower floodplain after flooding has subsided (Pavelka 2006).

Furthermore, the Federal Register (Vol. 73, Number 202, page 61962) includes the following (among others) as a primary constituent element for Critical Habitat:

> Upland areas adjacent to alluvial fans, washes, and associated floodplain areas, which may include marginal habitat such as alluvial sage scrub with greater than 50 percent canopy cover with patches of suitable soils (PCE 1) that support individuals for re-population of wash areas following flood events. These areas may include agricultural lands, areas of inactive aggregate mining activities, and urban/wildland interfaces.

We recommend that the definition of "occupied" be modified to include all habitats determined by current survey data to be occupied, regardless of long-term changes in vegetative structure. An assessment of impacts to habitat outside of the 100-year floodplain, as described in the Federal Register, is also strongly recommended in order to disclose the potential effects of this project on this imperiled species. Retention of refugia areas within the proposed development is critical to sustain populations of the San Bernardino kangaroo rat across jurisdictional boundaries in Lytle Creek.

2. Encroachments in SBKR occupied habitat in the region are increasing, causing smaller population sizes, thus rendering these populations more vulnerable to stochastic events, such as flooding, that could cause local extirpation. The San Bernardino National Forest is responsible for managing several populations of SBKR on public lands and we therefore have a shared interest in the conservation of this species. Given the limited amount of upland habitat (above the 100-year floodplain) that will be retained as part of this project, please further evaluate the possibility that a single stochastic event could cause local extirpation

No. 9

3. In the Draft Specific Plan (Table 5-1), uses that were identified as "Permitted Use" or "Conditional Development Permit Required" which can occur within designated open spaces include: bicycle, equestrian, multi-purpose, and hiking trails; parks, paseos, greenbelts, and playgrounds; commercial equestrian centers, rings, and stables; public utility facilities; religious institutions and places of worship; and public flood control facilities and devices. As a result of these activities, the value of wildlife habitat and the use of it by wildlife will be degraded. None of these allowable uses are considered when assessing impacts to wildlife species or use of Lytle Creek wash as a wildlife corridor. These activities could have major impacts that are being overlooked. There has been substantial amount of scientific literature published regarding the effects of recreational uses on wildlife and their habitat. A review of the existing literature would be appropriate to accurately assess these types of impacts. No. 10

4. Recommend that open spaces are maintained in perpetuity as natural areas where no human-impacts are permissible. Restrict all human access to these areas to achieve this goal and thereby protect wildlife habitat and movement corridors. Open spaces should be created with fire in mind. They should create a buffer between the national forest and urban development. No. 11

5. Very little direction is provided on the types of uses that will permitted in the "SBKR Conservation Areas". On page 2-44 of the DEIS, regarding the "SBKR Conservation Areas", it states "...no trails will be constructed in the areas and no unrestricted public access will be authorized". Please provide more detailed information on the restricted uses of these areas and how the restrictions will be enforced. We recommend that no human entrance (with the exception of vegetation management activities to improve and maintain habitat conditions for the San Bernardino kangaroo rat) be authorized within the "SBKR Conservation Areas" and a system of barriers and signage be minimally used to enforce it. Measures to minimize indirect mortality of individuals found within the Biological Resources Assessment on pages 181 and 182 are supported by the Forest Service. No. 12

6. A statement was made in the biological resources assessment that adverse impacts to wildlife from domestic pets is expected to be minimal because the local coyotes are known to prey upon domestic pets (Biological Resource Assessment page 116). No additional analysis of the impacts to wildlife as a result of domestic pets was completed, even though it was identified in several locations as a concern and mitigations were put in place to protect preservation areas (Biological Resources Assessment pages 181 and 182). The statement made on page 116 regarding coyotes is an understatement of the potential effects of domestic pets and we recommend that it be evaluated further. Our concern is warranted because an increase in domestic animals resulting from the proposed project can also adversely affect wildlife on adjacent public lands. No. 13

7. The biological resources assessment (page 141) cites a scientific reference that mountain lions need a corridor at least 1,312 feet wide to be effective. It further states that the proposed corridor generally meets this recommendation. However, the Draft Specific Plan (page 3-53) states in reference to wildlife corridors that "The conservation area generally ranges from approximately 600 feet wide in Lytle Creek to 2,400 feet wide within Neighborhood III". The corridor in Lytle Creek Wash is substantially narrower (600 feet) than the scientific literature recommends. This is a discrepancy that should be evaluated in further detail. We encourage development of viable wildlife linkages because habitat fragmentation continues to cause detrimental impacts to wildlife populations in southern California. No. 14

8. The biological resources assessment (page 93) states that "...a potential result of increased green house emissions is an increase in the frequency and intensity of wildfires in the vicinity of the LCRSP study area". While this is an accurate statement, there was no acknowledgement of a likely increase of fire starts in the community nexus as a result of close human habitation to fire-prone areas. As the San Bernardino National Forest sits up-slope and up-canyon of the project areas, an increase in fire starts may have a substantial effect on adjacent national forest lands. Please address the potential environmental impacts resulting from an increase in fire starts as a result of the project as proposed. ← No. 15

9. We request that a plan for long-term management and removal of non-native invasive plants and animals be made and funded by the project proponent. We support your effort in the use of native plants within open areas and other areas of development. ← No. 16

Cultural ← No. 17

- We request, upon completion of proposed cultural resource surveys, a copy of past and currently proposed cultural survey reports relevant to the Lytle Creek Ranch Specific Plan Draft EIR.
- Information regarding cultural resources is not for public distribution and is to be kept confidential.

Water, water sources, and vegetation ← No. 18

- No new water development proposals on National Forest lands will be authorized. The development of water resources to support the development will have to be off of National Forest.
- We encourage incorporating gray water systems for irrigation of vegetation.
- We encourage use of native, xeric landscaping to decrease water use and discourage potential invasions of invasive plants or trees onto the National Forest.

Flood and erosion control ← No. 19

Recurrent flooding and debris flow events are predictable as a part of natural fire and flood sequences. The likelihood and severity of flooding events increases when upland watersheds are burned by periodic wildfire. Floods and debris flows, although they may originate on National Forest land, are uncontrollable by the national forest.

- National forest land will not be available for flood or erosion control measures (i.e. basins, diversions, gravel sources, etc.) They should be located and constructed within the proposed development boundaries.
- New development next to the national forest need to be set back at least 100 feet from National Forest System lands boundaries such that any excavation and or earth work does not cause "back cutting" type erosion; nor should sediment and erosion created as the by-product of constructing the new development impact the national forest.

Please continue to keep me advised as this project develops. As a neighbor of this significant proposed development, we would welcome the opportunity to work with you on incorporating our recommendations and requirements into the project design. If you have any questions please contact Deputy District Ranger Richard Thornburgh at: 909-382-2867. No. 20

Sincerely,

for GABE GARCIA
District Ranger

Letter No. I-15

SPECIAL DISTRICTS DEPARTMENT

COUNTY OF SAN BERNARDINO

157 West Fifth Street, Second Floor • San Bernardino, CA 92415-0450 • (909) 387-5940
Fax (909) 387-5968

JEFFREY O. RIGNEY
Director

April 15, 2010

RECEIVED
APR 19 2010
BY:

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

SUBJECT: REVIEW COMMENTS / DRAFT ENVIRONMENTAL IMPACT REPORT
LYTLE CREEK RANCH SPECIFIC PLAN
STATE CLEARINGHOUSE NO. 2009061113

Dear Sir or Madame,

No. 1

The County of San Bernardino, Special Districts Department, on behalf of County Service Area 70, Improvement Zone GH (District), would like to thank you for the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) for the above-mentioned project. Our review of your documents did identify the following items as "items of concern" that should be considered prior to taking any action to approve and adopt the findings in the report:

Executive Summary ← No. 2

- **General -** This section describes the need to annex that portion of the project currently located within the County of San Bernardino to the City of Rialto and the associated reorganization of existing County Service Area 70, Improvement Zone GH (CSA 70 GH). However, there is no description or statement as to the content or extent of the reorganization; timing for the reorganization; discussion of the mechanics and costs associated with the reorganization; and the impact on CSA 70 GH. It is the Districts opinion that additional clarification needs to be added to the EIR to address this issue.
- **Additional Off-Site Areas** – Reference is made in this short section to a utility easement within County-owned property located adjacent to Neighborhood 1, totaling approximately 3.6 acres. The EIR indicates that although located outside the project boundary, this area is included as part of the document by reference herein. There is no map or description indicating the location of this easement or the intended use for the County-owned easement. It is the Districts opinion that additional clarification needs to be added to the EIR as to the location and use of County-owned property.

No. 3

Section 2.7.6 Conceptual Sewer Master Plan ← No. 4

- **Neighborhood I** – The EIR states that "sewage flows from Neighborhood I will be transported to the SBCSDD's 1.75-mgd Lytle Creek North Wastewater Recycling Plant located in County Service Area (CSA) 70-GH, via an existing main line constructed as part of the LCNPD (TR 15900)." The Conceptual Annexation Plan indicates that Neighborhood I will be annexed to the City of Rialto. CSA 70 GH cannot provide service, in this case sewer service, to properties located outside of its service area. CSA 70 GH must petition for and receive approval from LAFCO to enter into an "Out of Service Area" agreement for service to properties located outside of its boundary. It is the Districts opinion that

GREGORY C. DEVEREAUX
County Administrative Officer

Board of Supervisors
BRAD MITZELFELT ..... First District
PAUL BIANE ..... Second District
NEIL DERRY ..... Third District
GARY C. OVITT ..... Fourth District
JOSIE GONZALES ..... Fifth District

this reference and all other references to CSA 70 GH providing sewer service to Neighborhood 1 be revised to indicate the necessary procedure and qualified based on approval(s) that are required to serve.

Section 4.10 Utilities and Service Systems ← No. 5

- **Neighborhood I** – This section describes anticipated sewer flows to the Lytle Creek North Water Recycling Plant (LCNWRP), owned and operated by CSA 70 GH. The unit occupancy rate and the sewer generation rate used to calculate future flows to the LCNWRP do not conform to the Districts standards and standard specifications and are therefore incorrect. A sewer feasibility study is required to determine actual flow generation numbers and system requirements to receive service from CSA 70 GH. The District recommends that the study be performed, this section revised and a copy of the study included in the appendices of the EIR.

No. 6 ↓

Again, the District appreciates the opportunity to review your CEQA compliance documents and would appreciate receiving comments on the above-mentioned concerns. Should you have any questions or comments regarding the content of this letter, please call.

Sincerely,

James A. Oravets
Division Manager

cc: Jeffrey O. Rigney, Director
Manuel M. Benitez, Deputy Director
Marshall Riley, Field Representative, Second District
Bob Page, Chief of Staff, Fifth District

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130

GRANVILLE M. "BOW" BOWMAN, P.E., P
Director of Public Works

Letter No. I-16

COUNTY OF SAN BERNARD

RECEIVED
APR 21 2010
BY:

April 14, 2010

File: 10(ENV)-4.01

Mr. Michael E. Story, Director
City of Rialto
Development Services Department
150 South Palm Avenue
Rialto, CA 92376

RE: DRAFT EIR FOR THE LYTLE CREEK RANCH SPECIFIC PLAN (SCH 2009061113)

Dear Mr. Story,

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. The EIR was circulated to the other Divisions within the Department and the following are the comments: No. 1

Water Resources Division, Mary Lou Mermilliod, Public Works Engineer II, 909-387-8213. No. 2

There are no additional comments or changes to those stated in response to the Notice of Preparation, dated July 20, 2009. Those comments were as follows:

The proposed development is adjacent to two major drainage courses: Lytle Creek and Sycamore Canyon Creek. Both drainage courses are within a single Flood Control District (District) held easement encompassing a major portion of the proposed development.

1. Lytle Creek is a District facility that has highly debris laden flows originating in the mountains to the north. During the historic floods of January and February 1969, this drainage course experienced severe erosion and overflowed its banks. No. 3
2. Sycamore Canyon Creek is not maintained by the District. The flows from Sycamore Canyon Creek traverse a portion of the site in a well defined natural drainage course and poorly defined vagrant flow paths. This drainage course also overflowed its banks in the 1969 storms. No. 4

According to the most recent FEMA Flood Insurance Rate Maps, panels 7910H, 7920H and 7040H, dated August 28, 2008, portions of the site lie within Zones X, shaded and unshaded, and Zone A.

The comments made below are preliminary in nature and subject to change upon submittal of more formal, finalized plans: No. 5

3. In our opinion, portions of the development are subject to infrequent flood hazards due to overflow, erosion and debris deposition in the event of a major storm until such time as adequate channel and debris retention facilities are constructed for both facilities. The site, in general, is also subject to sheet overflow from valley thunderstorms.

GREGORY C. DEVEREAUX
County Administrative Officer

Board of Supervisors
BRAD MITZELFELT . . . . . First District
PAUL BIANE . . . . . Second District
JOSIE GONZALES . . . . . Fifth District
NEIL DERRY . . . . . Third District
GARY C. OVITT . . . . . Fourth District

4. It is noted that a new 7-mile ± long levee is planned for the west side of Lytle Creek adjacent to the site. The levee shall be designed and constructed to meet FEMA criteria as stated in 44 CFR 65.10. No. 6
5. Lots adjacent to drainage coursed may be subject to additional District or County building setbacks. No. 7
6. A flood Hazard Review by Water Resources Division is required for any development adjacent to District right-of-way. Section 16.0212(g) of the County Code sets the fee for the District's review and analysis at $520.00. This fee, together with site and drainage plans, is to be submitted to the address below with an indication that it is for Flood Hazard Review ID 57004, File 209.0813: No. 8

   San Bernardino County Flood Control District
   Water Resources Division
   825 E. 3rd Street, Room 142
   San Bernardino, CA 92415-0835

   There will be no further review, or permits issued until this fee has been processed.
7. It is noted that a hydrologic/hydraulic analysis has been prepared as part of an application for a FEMA Conditional Letter of Map Revision. No. 9
8. We recommend that the most current FEMA regulations, for construction within established floodplains, be included in the plans and enforced by the local jurisdictions. No. 10
9. Prior to any activity on District right-of-way, a permit shall be obtained from the District's Flood Control Operations Division, Permit Section. Other off-site or on-site improvements may be required which cannot be determined at this time. No
10. We also recommend that the appropriate local, state and federal agencies be include on the list of required approvals and permits.

Traffic Division, Ed, Petre, Public Works Engineer III, 909-387-8239. No. 12

1. I-15 Ramps at Sierra Avenue: Free right turn lanes are not acceptable by Caltrans.
2. It was once discussed and shown in Duncan Canyon Road at I-15 interchange study and in the Lytle Creek North Project Traffic Study to realign the intersection of Riverside Avenue at Sierra Avenue to cross intersection. No. 13
3. Use the 8th Edition of the ITE Trip Generation Manual for the trip rates. No. 14
4. Per the County of San Bernardino General Plan, the acceptable Level of Service for the Valley Regions is D for the peak hours. The methodology used in the report to add the number of AM and PM peak hour trips together to determine if the roadways meet the County's General Plan is incorrect. The AM and PM peak hours should be looked at separately. No. 15
5. Some of the intersection improvements listed within the report have been constructed; for instance, the signal at Glen Helen Parkway at Lytle Creek Road. Please review all the intersections. No. 16

6. The mitigation cost for the improvements within the jurisdiction of the County of San Bernardino shall be: No. 17
    a. Construct a signal - $400,000
    b. Add a through lane - $289,720
    c. Add a turn lane - $50,000

7. The existing analysis shall use the existing peak hour factor and not 0.95. No. 18

8. For the areas within the County of San Bernardino jurisdiction, fees shall be collected for the County of San Bernardino Regional Transportation Facilities Fee Plan, in addition to the project fair share contribution to improvements not included within this fee plan. No. 19

If you have any questions or require additional information, please contact the specific Division that provided the comment, as listed above. No. 20

Sincerely,

NARESH P. VARMA, P.E., Chief
Environmental Management Division

NPV:LM:mb/CEQA Comments_Rialto Lytle Creek Ranch SP EIR.doc

cc: Linda Mawby
GMB/ARI Reading File

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

April 13, 2010

Letter No. I-17

RECEIVED
APR 26 2010
BY:

Michael E. Story
City of Rialto Development Services
150 South Palm Avenue
Rialto, CA 92376

Subject: Lytle Creek Ranch Specific Plan
SCH#: 2009061113

Dear Michael E. Story:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 12, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly. No. 1

Please note that Section 21104(c) of the California Public Resources Code states that: No. 2

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. No. 3

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2009061113
Project Title Lytle Creek Ranch Specific Plan
Lead Agency Rialto, City of

Type EIR Draft EIR

Description The project is the adoption and subsequent implementation of the "Lytle Creek Ranch Specific Plan" (LCRSP), including associated entitlements, authorizing the construction, use, occupancy, and habitation of up to 8,407 dwelling units, 849,420 sf of commercial, office, light industrial, manufacturing and distribution uses; open space and conservation areas; public and private recreational facilities; school sites; and associated public improvements and infrastructure facilities. The proposed project further includes the construction of a revetment levee along the southern bank of Lytle Creek, spanning a distance of approximately seven miles. In addition to the on-site levee, the project will also construct approximately 2,000 linear feet of levee improvements to an existing levee located on adjoining property.

Lead Agency Contact

Name Michael E. Story
Agency City of Rialto Development Services
Phone 909-421-7205 **Fax**
email
Address 150 South Palm Avenue
City Rialto **State** CA **Zip** 92376

Project Location

County San Bernardino
City Rialto, Unincorporated
Region
Lat / Long
Cross Streets I-15/Lytle Creek Rd/Riverside Ave/Glen Helen Parkway
Parcel No. Numerous
Township 1N **Range** 5W **Section** 4,5,17 **Base** SBB&M

Proximity to:

Highways SR 15
Airports No
Railways No
Waterways Lytle/Cajon Creeks
Schools
Land Use Z: Rural Residential, Single Family, Floodway, Special Development, Specific Plan
GP: Floodway, Single Residential, Rural Living, Special Development, Specific Plan

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Growth Inducing; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Housing; Job Generation; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 8; Department of Health Services; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 02/26/2010 ***Start of Review*** 02/26/2010 ***End of Review*** 04/12/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

Linda S Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

March 11, 2010

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MAR 11 2010
STATE CLEARING HOUSE

Mr. Mike Story, Director
City of Rialto (Development Services Department)
150 South Palm Avenue
Rialto, California 92376

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LYTLE CREEK RANCH SPECIFIC PLAN PROJECT (SCH# 2009061113), CITY OF RIALTO, SAN BERNARDINO COUNTY

Dear Mr. Story:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The proposed Lytle Creek Ranch Specific Plan (LCRSP) is the adoption of the proposed LCRSP. The LCRSP, in combination with a development agreement/pre-annexation agreement between the City of Rialto and the Applicant, will establish new land-use policies affecting the approximately 2,447.3-acre project site. The specific plan would authorizing the development of up to 8,407 dwelling units and 849,420 gross leasable square feet of general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar uses (excluding institutional, educational, recreational, and infrastructure-related uses), allow for the retaining a substantial portion of the project site for open space and conservation purposes, create diverse opportunities for range of public, semi-public, and private recreational facilities, and promote the development of associated public improvements, public works, and infrastructure facilities. The proposed project is located, in part, in the City of Rialto and, in part, in unincorporated County of San Bernardino within the City's adopted Sphere of Influence. The project site can be generally described as being located to the southwest of the unincorporated community of Devore, to the west of the City of San Bernardino, to the south of the San Bernardino National Forest (SBNF), to the east of the City of Fontana, and to the north of confluence of Cajon and Lytle Creeks." DTSC has the following comments:

1) DTSC provided comments on the project Notice of Preparation (NOP) on July 27, 2009; those comments have not been addressed in the draft EIR. Please address DTSC's comments in the final EIR.

2) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

3) In future CEQA documents, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program
Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
nritter@dtsc.ca.gov

CEQA# 2832

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
San Bernardino Area
211 Western Avenue
San Bernardino, CA 92411
909-383-4247
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

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RECEIVED
MAR 15 2010
STATE CLEARING HOUSE

March 9, 2010

File No.: 840.12533.11513

State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814
Reference: SCH# 2009061113

Dear Sir or Madam:

This letter is in response to the "Notice of Completion" for the Lytle Creek Ranch Specific Plan Environmental Impact Report, State Clearinghouse number 2009061113. Upon review of this report it was revealed this project would have a significant impact on our operations.

The proposed project estimates approximately 8,407 dwelling units. These units will include 849, 420 square feet of commercial, office, light industrial, manufacturing and distribution uses; open spaces and conservation areas; public and private recreational facilities; school sites; and associated public improvements and infrastructure facilities. This additional increase in population will definitely increase the calls for service on the existing freeway system due to the fact that many of these residents will use Interstates 15, 10 and 210 freeways to commute to and from work on a daily basis. These facts are not clearly indicated in the Impact Report. In order to effectively handle the proposed increase in population growth, additional personnel and equipment will be needed in order to maintain the proper level of service to the community.

The California Highway Patrol respectfully requests the State Clearinghouse to consider these issues when reviewing this proposed project. Please direct any questions to Lieutenant Rick Meier at (909) 383-4247.

E. L. FALAT, Captain
Commander

cc: Inland Division

Special Projects Section

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

April 20, 2010

Letter No. I-18

RECEIVED
APR 26 2010
BY:

Michael E. Story
City of Rialto Development Services
150 South Palm Avenue
Rialto, CA 92376

Subject: Lytle Creek Ranch Specific Plan
SCH#: 2009061113

Dear Michael E. Story:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on April 12, 2010. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document. No. 1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2009061113) when contacting this office. No.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

Clear 4.12.10 Late &

RECEIVED
APR 15 2010
STATE CLEARING HOUSE

April 15, 2010

Mr. Michael E. Story, Director
Development Services Department
City of Rialto
150 South Palm Avenue
Rialto, CA 92376

Re: Lytle Creek Ranch Specific Plan Draft Environmental Impact Report (EIR)
SCH No. 2009061113

Dear Mr. Story:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Lytle Creek Ranch Specific Plan Draft Environmental Impact Report (SP/DEIR). The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

The proposed project involves the potential construction of 8,407 residential dwelling units, and 849,420 square feet of commercial space on 2,447.3 acres. The project also involves the construction of seven miles of levee, including improvements on property currently mined by Cemex USA and additional levee improvements of 0.6 acres.

CEQA Process

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the Draft Environmental Impact Report (DEIR) and additional alternatives or mitigation measures which should be included in the EIR. As a Responsible Agency the Department will be obligated to consult the Final EIR in order to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the Final Specific Plan EIR fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

Project Comments

The primary concern of the Department is the proposed construction of approximately seven (7) miles of levee in the Lytle Creek floodplain and the potential impact of the proposed levee on existing plants and animals in Lytle Creek, potential impacts resulting from channelization of the stream, and possible future measures to protect the levee system from erosion. The proposed impact analysis is deficient and therefore the proposed mitigation measures are also deficient. Due to the fact that many of the projects are dependent upon the construction of a levee, the direct, indirect and cumulative impacts of the levee should be analyzed and mitigated for in the FEIR. The Department recommends the City reexamine the project to identify all impacts, re-analyze and quantify all impacts, prepare a new mitigation proposal to adequately address all impacts, ensure cumulative impacts are considered on a local and regional basis, and revise the alternative analysis to include a discussion of the project without the levee.

Biological Resources

The project potentially involves the take of the following species: the federally-listed San Bernardino kangaroo rat (SBKR) (*Dipodomys merriami parvus*), the State and Federally-listed least Bell's vireo (LBV) (*Vireo belli pusillus*), and the State and Federally-listed southwestern willow flycatcher (SWWFL) (*Empidonax traillii*). Other sensitive biological resources on the site include: Los Angeles pocket mouse (LAPM) (*Perognathus longimembris brevinasus*), burrowing owl (*Athene cunicularia*), Plummer's mariposa lily (*Calochortus plummerae*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), San Diego horned lizard (*Phrynosoma coronatum* ssp. *blainvillei*), golden eagle (*Aquila chryaetos*), northern harrier (*Circus cyaneus*), American peregrine falcon (*Falco peregrinus anatum*), white-tailed kite (*Elanus leucurus*), loggerhead shrike (*Lanius ludovicianus*), Vaux's swift (*Chaetura vauxi*), yellow warbler (*Dendroica petechia brewsteri*), yellow-breasted chat (*Icteria virens*), western mastiff bat (*Eumops perotis*), San Diego black-tailed jack rabbit (*Lepus californicus bennettii*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), western spadefoot (*Spea hammondii*), orange-throated whiptail (*Aspidoscelis hyperythra*), silvery legless lizard (*Anniella pulchra pulchra*), coast patch-nosed snake (*Salvador hexalepis virgultea*), San Diego desert woodrat (*Neotoma lepida intermedia*) and southern grasshopper mouse (*Onychomys torridus Ramona*).

Sensitive habitats include Riversidean alluvial fan sage scrub (RAFSS), Riversidean Sage Scrub (RSS), southern cottonwood willow, sycamore, stream channels and floodplain. Historically, the slender horned spineflower, least Bell's vireo (LBV), southwestern willow flycatcher (SWWFL) and coastal California gnatcatcher (CCGN) were observed on the site but were not discovered in recent focus surveys. The Department recommends field surveys at the appropriate time of year prior to construction to determine if these species are present.

Riversidean Alluvial Fan Sage Scrub (RAFSS)

RAFSS is included in the Department's "Sensitivity of Top Priority Rare Natural Communities in Southern California" as a S1.1 "very threatened" community. A 1997 document entitled "Classification of Alluvial Scrub in Los Angeles, Riverside

and San Bernardino Counties" characterizes RAFSS as a "distinctive and rare plant community" that is now restricted to scattered fragments due to urbanization and alteration of the natural hydrology of Southern California river and stream systems. A 1998 conservation plan entitled "Conservation Plan for the Etiwanda-Day Canyon Drainage System Supporting the Rare Natural Community of Alluvial Fan Sage Scrub" notes the vegetation along Cajon and Lytle washes is structurally diverse and species rich and supports emergent tree species that further enhance wildlife habitat values. Much of the alluvial scrub along Lytle and Cajon washes is in state-designated Significant Natural Area (SBD-013). This document recommends that areas within one hundred meters of flood channels and intermittent streams be given high priority for preservation and that areas with emergent shrubs and others also be given high priority for preservation. In 2000 the County of San Bernardino prepared a map entitled "San Bernardino County Valley Region Storm Drain Facilities and Endangered Species Data". This map clearly shows that the foothill alluvial fans, Lytle and Cajon Creeks and the Santa Ana Wash are the largest remaining blocks of habitat in the Valley region containing endangered species. The Museum prepared a map of the valley showing critical areas. Again, the critical areas were the Santa Ana Wash, Lytle and Cajon Creeks and the foothill alluvial fan areas.

The documents listed above support the importance of the Lytle Creek alluvial fan system as a recognized regional biological resource system containing endangered species and numerous species of special concern. The Department views the Lytle Creek alluvial fan as an extremely important ecological area and one whose ecological value will be drastically reduced if this development does not adequately identify and mitigate impacts. The combination of RAFSS, RSS, and components of coastal sage scrub makes this area extremely important for many listed species and numerous species of special concern. It is a species rich area and one of a few such areas remaining in San Bernardino County. The only comparable areas for alluvial fan sage scrub are the Cajon Wash and the Santa Ana Wash.

The proposed impact analysis is deficient and therefore the proposed mitigation measures are also deficient. The Department recommends the DEIR include a revised and complete analysis of the direct, indirect, and cumulative impacts to the project area relative to the quality of the habitat and opportunities for "in kind" mitigation. The Department recommends identifying the proposed mitigation sites and their respective habitats, and including a graphic of the sites in the DEIR. The Department recommends incorporating the mitigation recommendation of a one hundred meter buffer area for flood channels and intermittent streams noted in the document above. The Department recommends including a discussion to identify and mitigate the impacts of the foreseeable future channelizing of the system to protect the proposed levees and infrastructure.

Project Impacts

The DEIR fails to identify or mitigate the following impacts: the loss of foraging habitat for raptors, the loss of connectivity between upland habitat and the stream channel, the loss of upland habitat and the species dependent upon it, the potential loss of islands in the channel due to erosion from narrowing and confinement of the

channel, the potential loss of existing mitigation lands in the channel, the overall loss of ecological diversity, and potential adverse impacts due to operation of the stream system as a confined flood control channel. Within City Creek and Plunge Creek the flood control agency is considering the need to center-line the flow path because of potential erosion to existing levees. There is no discussion in the DEIR of how the channel would potentially be maintained and managed following construction of the levee and giving the channel over to San Bernardino County Flood Control. These are foreseeable potential adverse impacts that are a direct impact from channelization of the stream system and should be addressed in the DEIR.

Mitigation

The Department generally advocates a mitigation ratio of 3:1 for RAFSS. The loss of 1.7 acres of riparian habitat should be mitigated by restoration or creation in the Sycamore Flat East riparian corridor at a 3:1 ratio. The loss of 2.9 acres of least Bell's vireo habitat should be mitigated by restoration or creation in the Sycamore Flat East riparian corridor at a 3:1 ratio. The Department recommends a 3:1 ratio for impacts and the FEIR should specify whether the Sycamore Flat East riparian corridor is available for mitigation or whether it is already set aside as a mitigation site. If the Sycamore Flat East riparian corridor is not available or only partially available for mitigation purposes, the DEIR should identify the proposed adjacent lands necessary to adequately mitigate the riparian impacts as close to the project as possible.

Impacts to SBKR and its habitat require consultation with the United States Fish and Wildlife Service and compliance with a Habitat Conservation Plan. The DEIR states that impacts to SBKR and their habitat will be mitigated by the preservation of 316.2 acres of occupied on-site habitat and the creation of 75 acres of habitat directly upstream and downstream of the Cemex USA quarry. The details of the final mitigation plan will probably not be available until consultation with the United States Fish and Wildlife Service is completed. As a Trustee agency, the Department requests that once the plan is approved it be made available for comment.

As stated previously, because of the potential cumulative impacts of this project and the proposal for a 7 mile levee system, the DEIR did not adequately identify or analyze the proposed impacts. Therefore the Department recommends the FEIR include a revised analysis of the total impacts and a revised mitigation proposal to adequately mitigate all project impacts. The Department recommends coordinating with the United States Fish and Wildlife Service, United States Army Corps of Engineers, Regional Water Control Board, and the Department to ensure their review and approval of the revised impact and mitigation analysis prior to completing the CEQA process to approve the Specific Plan, and processing individual projects.

Hydrology/Levee System

Page 4.4-35 of the DEIR states that Lytle Creek is a San Bernardino County Flood Control District facility that has "highly debris laden flows" and that "experienced severe erosion and overflowed its banks" in 1969. One study cited in the DEIR compared flow paths from historical major floods. The conclusion was that the Lytle

Creek flow path has been relatively unchanged since 1935, has been incised since 1862 and that only minor movement of the stream banks has occurred within the last 150 years. "A comparison of streambed slopes generally indicates that the active incised channel appears to have reached a long term equilibrium or a relatively stabilized condition "(page 4.4-78). The DEIR hydrology report states that the incised fanhead channel system has "defined boundaries" from the apex of the fan to the Cemex Mining levee system and that these defined boundaries confine the flows from uncontrolled migration across the fan. The analysis appears to be refuted by hydrologic events causing damage as recently as 2004 and 2005. The Department requests a revised hydrological study assessing the impacts associated with the proposed post project state including impacts from future maintenance of the levees.

In 2001 the Department commented on the DEIR for the Lytle Creek North Planned Community (SCH 99051013). This project is on the east bank of Lytle Creek and is adjacent to and surrounded by the proposed Lytle Creek Ranch Project footprint. The 2001 DEIR speculated that future development will create the demand for complete channelization of Lytle Creek and that the width of the creek would be reduced from 1,700 feet to a 675 foot channel. The United States Army Corps of Engineers reviewed the Lytle Creek North Planned Development and concluded that the potential direct impacts of this project would include: changes in general erosion patters within the active floodplain, (2) influences to the natural trends for braided or meander patterns, 3) developing or influencing erosion features in other locations of the floodplain where these were not actively occurring in the existing conditions, and 5) adjustments to the streambed stability or modifying the existing equilibrium conditions. After the construction of the Lytle Creek North Planned Community, the Department prepared Streambed Alteration Agreement 1600-2006-0256-R6 for repairs to the Cemex levee in Lytle Creek, and agreement 1600-2008-0080-R6 for repairs to the San Bernardino Kangaroo Rat Habitat Mitigation Islands in Lytle Creek. Both agreements are on the proposed project site and were required due to severe erosion and flooding within Lytle Creek. The Department requests a revised hydrological study assessing the impacts of the Lytle Creek North Planned Development and the recent armoring of the SBKR mitigation islands on the fluvial process of Lytle Creek from above the upstream northernmost proposed levee to the Cajon Creek confluence to the I-210 and rail road crossing downstream.

The hydraulic floodplain modeling used by the consultants is based on a "fixed-bed" model approach, meaning that the channel geometry and streambed are rigid or do not vary. It has been demonstrated that Lytle Creek can produce significant flood and erosion events, and the hardening of the existing habitat islands and proposed restoration of the Cemex levee were required due to such an event. It appears that implementation of the levee system would result in a pinch point at the southern end of the southernmost island and further erosion of the island in conservation would potentially occur. The Department requests the DEIR include a revised analysis of the cumulative impacts on fluvial processes, whether the construction of a levee or a confined channel would result in the loss of mitigation lands and other impacts to habitats, including the potential impacts to habitats within Cajon Creek above its

confluence with Lytle Creek, and include the impacts associated with future maintenance of the system.

Alternative Analysis

The Department recommends that new alternatives be considered that exclude development of the floodplain and/or exclude the necessity for a 7 mile long levee. In terms of infrastructure, any alternative that would eliminate a 7 mile long levee would both reduce the cost of the project and be environmentally superior. An alternative to the levee is taking development out of the floodplain by raising the elevation of the development footprint. This is not discussed except to note that in the absence of approval for the adjusted floodplain map based upon construction of the levee, raising the elevation of development is the only alternative. This concept was not considered as an alternative. The Department requests that the FEIR consider an alternative that: 1) removes the levee, 2) constructs the levee inland of the proposed location, or 3) elevating development above the floodplain be considered.

Water Quality and Rights

Lytle Creek and the Santa Ana River (Reach 4) are listed on the Clean Water Act (CWA) 303(d) list as an impaired water bodies due to pathogen contamination from nonpoint sources. Lytle Creek drains into the Santa Ana River downstream from the project site within Reach 4 (Mission Blvd. Bridge in Riverside to the San Jacinto Fault (Bunker Hill Dike) in San Bernardino). The DEIR states that based on the land uses associated with the proposed project, the following additional storm water pollutants have the potential to enter Lytle Creek and the Santa Ana River downstream as a result of the project: bacteria/virus, nutrients, pesticides, sediment, trash and debris, organic compounds, oxygen demanding substances, metals, and oil and grease. Environmental Impact 4-7, listed under Section 4.4.5.3: Cumulative Impacts of the DEIR, states: "Development of the project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within Lytle Creek and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources." The DEIR's Preliminary (Impact) Determination for Environmental Impact 4.7 under the DEIR is: "Less-than-significant impact" because the project will "be required to implement BMPs and fully comply with all applicable State water quality laws and regulations." The Department does not agree with this determination. If mitigation measures, such as BMPs, are required to prevent the cumulative impact of the introduction of contaminants into Lytle Creek, Sycamore Creek, and the Santa Ana River from this and future projects, then this impact should be regarded as "potentially significant unless mitigation incorporated." Without the implementation of BMPs for this and future projects within the project site, Lytle Creek, Sycamore Creek, and the Santa Ana River downstream would become further impaired by the additional contaminants listed above and the viability of the associated beneficial uses would be jeopardized.

The DEIR states that West Valley Water District has no restrictions on how much water it can pump and serve within the Lytle Creek region. However, page 4.4-75

of the DEIR states that the Lytle Creek Groundwater Basin was adjudicated in 1924 and has a safe yield of 35,000-45,000 acre-feet per year. Please identify if this basin is the same basin designated by SAWPA as the Lytle Creek Basin or a different basin designated by another entity. If this basin is the same basin discussed earlier, the Department is concerned with how unrestricted pumping of this basin will exceed the "safe estimated annual yield" for the basin and potentially reduce surface flows in Lytle Creek, Sycamore Creek, and the Santa Ana River downstream. Please clarify which basin is being discussed in each section of the DEIR and analyze the impacts of unrestricted pumping on surface flows and potentially impacts to aquatic resources.

The DEIR states that Cemex USA has agreed to participate in the project's groundwater recharge program by providing two separate spreading basins within the North and South pits at the Cemex USA quarry site on the south side of Lytle Creek. The DEIR states that, "the South Pit levee will include three flow control inlet pipe and valve assemblies to allow high surface water flows into the South Pit", indicating that recharge water will be obtained from Lytle Creek. The Department is concerned that surface water diversions for groundwater recharge at the Cemex USA pits may result in direct and cumulative adverse impacts to the resources of Lytle Creek and the Santa Ana River downstream by reducing instream flow and water availability needed to maintain fish and wildlife habitat within and adjacent to both streams. The DEIR does not clearly identify the water rights requirements for the surface water diversions for groundwater recharge at the Cemex USA pits, nor does it discuss whether or not the City or Cemex USA currently holds a water right or plans to acquire a water right to divert surface flows from Lytle Creek as a part of the project. The DEIR should address the project's need for surface water rights and analyze how surface water diversions on Lytle Creek could potentially impact aquatic resources.

The Department recommends the Lead Agency address and analyze the direct, indirect and cumulative impacts associated with these issues in the FEIR:

1. The potential cumulative impacts of the levee system, including levees on the east, on the fluvial processes of Lytle Creek above and below the I-15;
2. The potential individual and cumulative impact of the levee on lands in the channel that are currently in conservation in perpetuity as mitigation for impacts to native fauna and flora (wildlife);
3. Inclusion of a management and maintenance plan for the proposed levee and channel by the San Bernardino County Flood Control Department;
4. A discussion of the proposed levee to protect the mining operation, what is necessary at a mimimum to protect the mining operation, the reasons why is this issue included with this project and an impact and mitigation analysis;
5. A discussion of prior efforts (2006) regarding the repair of Cemex USA levees along Lytle Creek, including proposed design ;

6. A response to the Army Corps of Engineers statements regarding the potential adverse impact of the North Lytle Creek Development levees on Lytle Creek;
7. A discussion of the adverse impact of flooding on in-channel mitigation lands proposed in the Lytle Creek North Development project and implications for this project;
8. The loss of RAFSS and RSS and other sensitive plant and animal resources, including, but not limited to: Plummer's Mariposa lily, Los Angeles pocket mouse, Santa Ana woollystar and San Bernardino kangaroo rat (SBKR) at this location and in the context of riparian foothill systems in the Valley region of San Bernardino County;
9. The project's potential impacts on wildlife movement west to east in the foothills of the San Bernardino National Forest;
10. The project's potential impacts on wildlife movement north and south and the loss of foraging habitat and the potential increased impact of predators on SBKR due to channelization;
11. The validity of the project's analysis of the loss of RAFSS and RSS based upon quantitative estimates of remaining habitat in the valley region of San Bernardino County and in southern California (mitigation for the loss of RAFSS and RSS should be of similar qualitative value, including wildlife species composition);
12. The potential cumulative post development human impacts on Lytle Creek, in terms of trespassing, off-road vehicle use, domestic pets, and trash (the potential impacts of predation on SBKR by domestic cats and dogs is of critical importance);
13. The lack of a stream-floodplain ecosystem analysis and potential development impacts on this ecosystem;
14. The loss of connectivity between stream channel and upland habitat;
15. Separating proposed mitigation lands from existing mitigation lands;
16. Historical locations of the federally-listed endangered Coastal California gnatcatcher and its critical habitat, as well as quantification of any loss of critical habitat;
17. The loss of any critical habitat for any federally-listed species and mitigation for losses;
18. Quantification of the loss of currently occupied SBKR habitat and mitigation for these losses (mitigation for the loss of occupied habitat should result in the conservation of SBKR-occupied habitat);
19. The necessity for a United States Fish and Wildlife Service Habitat Conservation Plan for the SBKR;
20. Alternatives to an armored revetment;
21. An analysis of the potential impacts of new recharge basins in the channel and additional water diversion;
22. An analysis of the temporary and permanent impacts from constructing a soil cement overpour structure over two high pressure gas lines that cross Lytle Creek, and why this is necessary;
23. Inclusion of the construction of seven (7) miles of levee as a "Area of Controversy";

24. A discussion of the encroachment of proposed development east of S. Lytle Creek Road within the floodplain and a history of flooding and protection of S. Lytle Creek Road;
25. The potential impact of proposed development east of S. Lytle Creek Road on Santa Ana speckled dace;
26. The rationale for constructing multi-family residential housing east of S. Lytle Creek Road and the potential impacts of this development on Lytle Creek resources;
27. An analysis of the loss of State jurisdictional waters due to construction of a levee and placement of housing east of S. Lytle Creek Road and proposed mitigation measures; and
28. The jurisdictional delineation maps in the DEIR reflect only active channel and do not include the entire State jurisdictional waters, the DEIR should also include an accurate State jurisdictional map to quantify the project impacts to State waters.

Conclusion

The Lytle Creek Ranch Specific Plan DEIR fails to adequately identify and discuss the project impacts to biological resources and does not provide sufficient mitigation to offset the impacts. Therefore, the Department recommends the City address our above concerns in the FEIR. Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Nancy Ferguson, USFWS, Carlsbad, CA

State of California—Business, Transportation and Housing Agency ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
San Bernardino Area
211 Western Avenue
San Bernardino, CA 92411
909-383-4247
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

Letter No. I-19

RECEIVED
MAR 15 2010
STATE CLEARING HOUSE

Clear
4.12.10
e

March 9, 2010

File No.: 840.12533.11513

State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814
Reference: SCH# 2009061113

Dear Sir or Madam:

This letter is in response to the "Notice of Completion" for the Lytle Creek Ranch Specific Plan Environmental Impact Report, State Clearinghouse number 2009061113. Upon review of this report it was revealed this project would have a significant impact on our operations. No. 1

The proposed project estimates approximately 8,407 dwelling units. These units will include 849, 420 square feet of commercial, office, light industrial, manufacturing and distribution uses; open spaces and conservation areas; public and private recreational facilities; school sites; and associated public improvements and infrastructure facilities. This additional increase in population will definitely increase the calls for service on the existing freeway system due to the fact that many of these residents will use Interstates 15, 10 and 210 freeways to commute to and from work on a daily basis. These facts are not clearly indicated in the Impact Report. In order to effectively handle the proposed increase in population growth, additional personnel and equipment will be needed in order to maintain the proper level of service to the community.

The California Highway Patrol respectfully requests the State Clearinghouse to consider these issues when reviewing this proposed project. Please direct any questions to Lieutenant Rick Meier at (909) 383-4247. No. 2

E. L. FALAT, Captain
Commander

cc: Inland Division

Special Projects Section

RECEIVED
APR 12 2010
BY:

Vulcan
Materials Company

Western Division

April 8, 2010

Letter No. II-1

Michael E. Story
Director
City of Rialto
Development Services Dept.
150 South Palm Avenue
Rialto, CA 92376

RE: Notice of Completion – Draft Environmental Impact Report (SCH No. 2009061113) Lytle Creek Ranch Specific Plan

Dear Mr. Story:

I am enclosing a letter of August 6, 2009 to Ms. Gibson of your staff which followed up Rialto's July 28, 2009 scoping session on the Lytle Creek Ranch Specific Plan. ← No. 1

The subject draft EIR on this project does not specifically address the potential offsite impacts to Vulcan Materials Company's Cajon Creek Conservation Area as discussed both at the scoping session and in the attached August. 6th letter.

I respectfully request that the enclosed August 6th letter be included in the final EIR and that the issues raised in this letter be specifically addressed.

Thank you.

Sincerely,

Douglas W. Sprague

Douglas W. Sprague
Manager, Reclamation & Special Projects

Enclosure

Copy: Mark Ostoich
Gresham, Savage, Nolan & Tilden

RECEIVED
APR 12 2010
BY:

August 6, 2009

Ms. Gina M. Gibson
Senior Planner
Development Services Department
City of Rialto
150 South Palm Avenue
Rialto, California 92376

Re: Scoping for Lytle Creek Ranch Specific Plan

Dear Ms. Gibson:

On July 28, 2009, the City of Rialto held a scoping meeting regarding the preparation of an Environmental Impact Report for the Lytle Creek Ranch Specific Plan. I attended and spoke briefly at the meeting as the representative of the Vulcan Materials Company (Vulcan). ← No. 2

Vulcan is interested in this proposed project because Vulcan owns and manages the Cajon Creek Conservation Area (Conservation Area). The Conservation Area includes both conservation lands and a mitigation bank. The Conservation Area was established by the State and federal wildlife and regulatory agencies over 15 years ago. It preserves approximately 1,300 acres of Riversidian alluvial fan sage scrub. This habitat type is considered sensitive by both the State and federal wildlife agencies. The Conservation Area provides habitat for at least 22 sensitive species, several listed under the State and/or federal Endangered Species Acts. The Conservation Area is immediately downstream of this proposed project.

As I mentioned at the scoping meeting, Vulcan is concerned that the project features as proposed in and to Lytle Creek will impact the hydrological regime and biological resources of the Cajon Creek Conservation Area. Because of this, I requested that the EIR identify and address the potential impacts of the proposed Lytle Creek Ranch Specific Plan Project on the downstream Conservation Area. In particular, I requested that hydrological studies assessing these impacts should include Cajon Creek above its confluence with Lytle Creek as well Lytle Creek down to the I-210/Rail Road crossing. I also recommended that a study should also address the potential changes of habitat in the Conservation Area, especially to habitats used by the sensitive species. ← No. 3

These studies and the EIR need to address potential direct, indirect and cumulative impacts from the proposed Lytle Creek Ranch Specific Plan Project on the Conservation Area and should include, but not limited to, light, noise, water and air quality, etc.

In addition, I mentioned at the meeting that Vulcan is concerned with the proposed Project's intended use of the Island Levee's access road during construction. Vulcan has a license from San Bernardino County Flood Control for their haul trucks to use this access road as the transfer route between its adjacent primary crusher station and its San Bernardino sand and gravel processing plant. Additional usage of this road may create a safety hazard or limit our production capabilities. This potential conflict needs to be addressed. ← No. 4

Finally, I request that Vulcan Materials Company be noticed on all future project notices and hearings. The notice should be mailed to my attention at the above address. ← No. 5

Thank you for this opportunity to inform you of Vulcan's concerns with the proposed Lytle Creek Ranch Specific Plan Project. We look forward to seeing the draft Environmental Impact Report. Should you have any questions concerning these comments, please contact me, direct at (323) 474-3215. ← No. 6

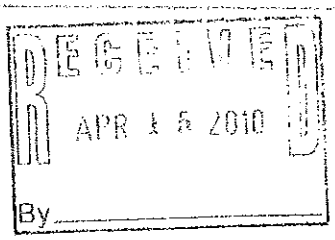
Sincerely,

Douglas W. Sprague
Special Projects Manager

Mike Story

Letter No. II-2

From: Kim Floyd [kimffloyd@fastmail.fm]
Sent: Thursday, April 15, 2010 3:09 PM
To: Mike Story; Liz Maine
Subject: Comments on Lytle Creek Ranch Specific Plan DEIR
Attachments: Rialto Planning Department 4.15.10.doc



Rialto Planning Department,
Mike Story
150 South Palm Ave.
Rialto, CA 92376

April 15, 2010

RE: Lytle Creek Ranch Specific Plan (LCRSP)

Thank you for the opportunity to comment on the LCRSP DEIR. I have outlined below some of our critical concerns about this project as described in the DEIR. ← No. 1

I am writing on behalf of the Sierra Club. The Club's members number over 5000 in the Inland Empire. We have concerns about the proposed development named Lytle Creek Ranch.

Placement Concerns: ← No. 2
The project location is hazardous for a variety of reasons including earthquake risk, wildfire risk, blowing dust and fine particles and flood risk.

Environmental Concerns: ← No. 3
Endangered species will be further threatened including Alluvial Fan Sage Scrub, the federally endangered San Bernardino Kangaroo Rat (SBKR) and Riversidean Sage Scrub. In addition, many other at risk species habitat the area of the development. Mitigation proposals outlined in the DEIR lack specifics regarding long range commitments. The DEIR does not adequately deal with the negative impact on "climate change" issues of the project.

Health and Safety Concerns: ← No. 4
There is a lack of adequate new sources of water as well as, inadequate egress in case of flood, earthquake and/or fire. This project will have a negative impact on air quality in an area already out of compliance.

Quality of Life Concerns: ← No. 5
With the current volatile economic environment it is reasonable to anticipate that this project may be delayed for years and perhaps be started and later abandon. This could leave home owners, neighboring communities and the City of Rialto with a deteriorating high cost to redeem the project. This project could evolve into a warehouse or other use project.

The DEIR's Significant Environmental Impacts states that "project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance," in relationship to Air Quality, and Noise. This project should not be considered for approval in the current configuration. ← No. 6

Respectfully Submitted,

Kim F. Floyd
Conservation Chair
Sierra Club San Gorgonio Chapter
760-680-9479
4079 Mission Inn Avenue
Riverside, CA 92501

4/15/2010

Rialto Planning Department,
Mike Story
150 South Palm Ave.
Rialto, CA 92376

April 15, 2010

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Conservation Chair
Sierra Club San Gorgonio Chapter
760-680-9479
4079 Mission Inn Avenue
Riverside, CA 92501

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-1

March 14, 2010

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

We Miles + Pauline Fellows are ~~am~~ a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

No. 2
Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward. ← No. 3

Signed W. Miles Fellows and Pauline R. Fellows

Address 5644 Olive Ave, Rialto, CA. 92377

Letter No. III-2

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Kenneth L. Velasquez am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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No. 2

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The Lytle Creek Ranch project must NOT go forward. No. 3

Signed [signature]

Address 5798 Date ave
Rialto Ca
92377

MAR 24 2010

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-3

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I DAVID J. MASKELL am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed D. J. Maskell

Address 6037 KOA DR RIALTO 92377

Letter No. III-4

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Victor & Martha Ramirez am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Martha Ramirez

Address 2908 N. Riverside Ave
Rialto, Ca. 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-5

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Sheila L Braun am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Sheila L Braun

Address 6210 Riverside Ave
Rialto, Calif.

Letter No. III-6

Rialto City Council
:0 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I John H Brown am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed John H Brown

Address 6210 Riverside Ave. Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-7

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I _____ am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 5605 Sycamore Ave

JON P KIRBY
5605 SYCAMORE
RIALTO CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-8

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I KEITH & JUANITA VAUGHN am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Keith & Juanita Vaughn

Address 6011 PRINCETON CT.
RIALTO, CA. 92377-4035
909-820-4944

Letter No. III-9

[illegible] City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Joan Christensen am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Joan Christensen

Address 5648 Olivie Ave Rialto

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-10

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

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The Lytle Creek Ranch project must NOT go forward.

Signed Cynthia Brooks

Address 6017 Koa Dr. Rialto 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-11

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Joe E. Pearson am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 5528 Larch Ave, Rialto

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-12

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I La Vonda M. Pearson am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 5528 Larch Avenue, Rialto

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-13

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Alice L Zecchini am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Alice L Zecchini

Address 5882 Oleander Ave Rialto Ca 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-14

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I James P. Zeachini am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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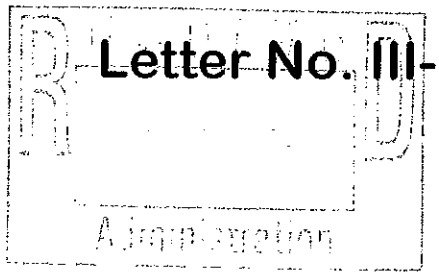
The Lytle Creek Ranch project must NOT go forward.

Signed James P. Zeachini

Address 5882 Zeremander Ave. Rialto, Ca 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-15



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Armen Turadian, am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Armen Turadian

Address 5651 Sycamore St.

Letter No. III-16

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Judy Sanford am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Judy Sanford

Address 5779 N. Date Ave, Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-17

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I JO SANFORD am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Jo Sanford

Address 5779 N. Date Ave, Rialto CA 92377

Letter No. III-18

Rialto City Council
[illegible] South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Esteleen Talbott am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Esteleen Talbott

Address 5775 olive Ave - R.

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-19

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Frederick Poh am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Frederick Poh

Address 19692 Rowan Avenue

Letter No. III-20

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Anita & Robert Schultz am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Anita Schultz Robert Schultz

Address 3003 N Sycamore Ave
Rialto Ca 92377

Letter No. III-21

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I _____ am a resident of Rialto. This letter is to inform you of my ← No. 1
opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed William [illegible]

Address 2345 N Sycamore Ave

Letter No. III-22

Rialto City Council
'0 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Arthur O Wilson Jr am a resident of Rialto. This letter is to inform you of my ← No. 1
opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the
quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Arthur O. Wilson Jr

Address 3034 N Sycamore Ave Rialto 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-23

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Catherine Coache-Mirech am a resident of Rialto. This letter is to inform you of my ← No. 1
opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Catherine Coache-Mirech

Address 3053 N. Sycamore Ave. Rialto

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-24

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Isaac Berna/ am a resident of Rialto. This letter is to inform you of my ← No. 1
opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Isaac Berna/

Address 3045 N. Sycamore Ave

Letter No. III-25

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Sharon Edgens am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Sharon Edgens

Address 250 N. Linden #39
Rialto, CA 92376

Letter No. III-26

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Pablo Daniel Galan am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 3029-W-Sycamore ave Rialto 92377

Letter No. III-27

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I, Lena Marie Borrowman am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Lena M. Borrowman

Address 2045 Via Lindo Dr. Rialto CA 92377

Letter No. III-28

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Louis R. Hernandez am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Louis R. Hernandez

Address 5790 Magnolia Ave.
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-29

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Cheryl C. Hernandez, am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed Cheryl C. Hernandez

Address 5790 Magnolia Avenue
Rialto, CA 92377-3948

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-30

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I GUILLERMINA McNERNEY am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed G. G. McNerney

Address 5553 SYCAMORE AVE.
RIALTO, CA. 92377
Phone # 909-486-6189

ialto City Council
50 South Palm Avenue
ialto, California 92376

Letter No. III-31

) Mayor G. Vargas,
ity Council Members, E. Palmer, J. Baca Jr.,
. Robertson and E. Scott, Mike Story

GIL DAAB am a resident of the El Rancho Verde Country Club ← No. 1
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ıe Lytle Creek Ranch project must NOT go forward.

gned _____

ldress 5569 Sycamore Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-32

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Issac Nimmons am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Issac Nimmons

Address 2381 N. Sycamore Ave Rialto ca 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-33

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I RONALD+ELLEN BOROCH am a resident of the El Rancho Verde Country Club Estates. ← No. 1 This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Ronald L Boroch Ellen Boroch

Address 5987 Sycamore
Rialto, Ca 92377

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-34

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I GEORGIA THEODOROU am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Georgia Theodorou

Address 5661 N. Riverside Ave.
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-35

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I ANTHONY THEODOROU am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed A. Theodorou

Address 5661 N. Riverside Ave.
Rialto, CA. 92377

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-36

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Nick Theodoran am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Nick Theodoran

Address 5661 N. Riverside Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-37

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Emily Jaramillo am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Emily Jaramillo

Address 5635 Riverside Ave Rialto CA

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-38

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Bobbie & Dorothy Rose am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Bobbie & Dorothy Rose

Address 1674 Larch Ave
Rialto Calif 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-39

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Mary M. Wilson am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Mary M. Wilson

Address 19130 Rockwood Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-40

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I _____ am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Pauline Cormaci

Address 2407 N. Sycamore Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-41

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Kenneth White am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Kenneth White

Address 19673 Rowan Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-42

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I E. DARLETTA WHITE am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed E. Darletta White

Address 19673 Kolman Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-43

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Leon F. Mitchell am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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Signed Leon F. Mitchell

Address 564 Riverside Ave
Rialto, Calif 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-44

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I TRY SING & KHENG VANG am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Try Sing Khang Vang

Address 2453 N Sycamore Ave Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-45

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Mr. Santos am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Mr Santos

Address 19689 Kauri Ave.

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-46

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Ernest C. Atkins am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Ernest C. Atkins

Address 5574 Sycamore Ave Rialto Ca 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-47

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Eric Rodriguez am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Eric Rod

Address 5862 Olive Ave Rialto CA 92377

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-48

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I EVERETT E. TRIBBETT am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to re as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

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The Lytle Creek Ranch project must NOT go forward.

Signed Everett E Tribbett

Address 5504 N. Sycamore Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-49

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Judy McGowan am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed J McGowan

Address 5722 Magnolia Ct 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-50

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Storm

I ROGER BISHOP / BARBARA I am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Roger N Bishop Barbara Bishop

Address 5513 Sycamore Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-51

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I DARRYL RODGERS am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Darryl Rodgers

Address 5611 SYCAMORE AVE.

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-52

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Donald Hoffman am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 5606 OLIVE AVE

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-53

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Rochelle Talavera am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Rochelle Talavera

Address 9175 Knollwood Ave. Rialto Ca 92377

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-54

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I WILLIAM TAVAREZ am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 1925 Hollywood Ave Rialto

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-55

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

_____ am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 5585 Laurel Ave.
Rialto, Ca 92377

Rialto City Council
50 South Palm Avenue
Rialto, California 92376

Letter No. III-56

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

Joe Chesley am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Joe Chesley

Address 5575 Sycamore Ave.
Rialto, Ca

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-57

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I RACHEL G. PRIETO am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Rachel G. Prieto

Address 5789 DATE AVE.
RIALTO, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-58

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I John F. Reynolds am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed John F Reynolds

Address 5546 N Sycamore Ave
Rialto, CA. 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-59

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Rosalie Mayers am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Rosalie Mayers

Address 5857 Magnolia Ave Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-60

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Olga Yarbrough am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Olga Yarbrough

Address 5847 Magnolia Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-61

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Kim Purbaugh am a resident of the El Rancho Verde Country Club Estates. This letter is to ~~inform~~ you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Kim Purbaugh

Address 5830 Greenwalder

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-62

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Andy Grady am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Andy Grady

Address 5162 Olive Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-63

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Jean Randall am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Jean Morgan Randall

Address 5747 Sycamore
Rialto, Ca. 92377

Rialto City Council
150 South Palm Avenue
'alto, California 92376

Letter No. III-64

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I FIDEL DELGADILLO & Gabriela Delgadillo am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 5520 SYCAMORE AVE. RIALTO CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-65

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I CYNTHIA CORREA am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Cynthia Correa

Address 5597 N. RIVERSIDE RIALTO CA

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-66

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I MANUEL J CORREA SR, am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed Manuel Correa Sr
Address 5597 N RIVERSIDE AVE
RIALTO CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-67

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Eileen Iverson / Matthew Zlotnick am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 2269 N Sycamore Ave, Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-68

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Scott Becker am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Scott Becker

Address 5731 Magnolia Ave, 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-69

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I ALAN G. DYER am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Alan G Dyer

Address 5769 Golden Ct, Rialto, Ca. 92377

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-70

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Jose Juan Lee am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Jose Juan Lee

Address 5541 Sycamore Av Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-71

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Dickie W. Simmons am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Dickie W. Simmons

Address 5544 Larch Ave Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-72

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Cynthia L. Simmons am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Cynthia L. Simmons

Address 5544 Larch Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-73

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Olga Zachar Walek, PhD am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Olga Zachar Walek, PhD

Address 6041 N. Riverside Ave, Rialto

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-74

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I JERRY WALEK am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Jerry Walek

Address 6041 N RIVERSIDE AVE RIALTO

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-75

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I BRIAN WALCEK am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 6041 N. RIVERSIDE AVE RIALTO, CA

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-76

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Glen Bashaw am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Glenneth Bashaw

Address 5529 Lark Ave 92377

Letter No. III-77

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story,

I Lynn Boshart am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Lynn Boshart

Address 5529 Larch Ave
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-78

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Virginia Robinson am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Virginia Robinson

Address 2313 N. Sycamore Ave - Rialto

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-79

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Micki Story

I _____ am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Shirley Felton

Address 5863 Sycamore Ave

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-80

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Elena Martinez am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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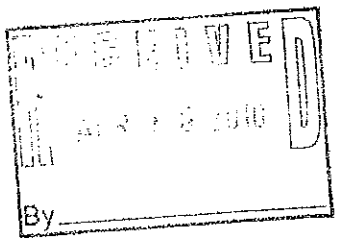
The Lytle Creek Ranch project must NOT go forward.

Signed Elena Martinez

Address 2469 W. RIVERSIDE AV
Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-81



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I ANA MATA a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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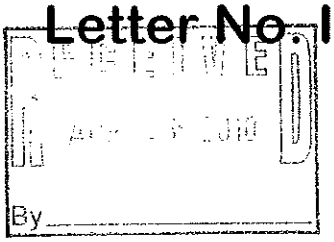
The Lytle Creek Ranch project must NOT go forward.

Signed Ana Mata

Address 5602 Sycamore Ave, Rialto, CA 92377

Letter No. III-82

Rialto City Council
) South Palm Avenue
Rialto, California 92376



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Angel Hernan a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 3602 Sycamore Ave, Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-83

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Robert Christensen am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Robert Christensen

Address 5648 Olive Ave.

This project is a sprawling slum built by Orange County money. The builder drops words like "amenities" "facilities" "open spaces" but once concrete is poured, this community will be forever ruined by these "McMansions" on ←

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-84

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I ED PUTTRE am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Ed Puttre

Address 5134 Sycamore Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-85

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Eileen Puthre am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Eileen Puthre

Address 5734 Sycamore Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-86

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Albert K. Martin, DDS am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Albert K. Martin, DDS.

Address 5957 N. Sycamore,
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-87

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Dr. Donald E. Odell am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Dr. Donald E. Odell

Address 5626 Sycamore Ave.
Rialto, Ca 92377

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-88

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I STEFAN & DANUTA LABUS am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Danuta Labus

Address 5591 CHERRY ST, RIALTO, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-89

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Sallie Mae Evans 03/14/10 am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Sallie mae Evans 3/14/2010

Address 5528 Sycamore Ave. Rialto, Calif. 92377

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-90

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Jesse Vermon am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Jesse Vermon

Address 5562 Sycamore Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-91

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I LYNDA MUNEMITSU am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Lynda Munemitsu

Address 5529 Sycamore Ave

Rialto City Council
150 South Palm Avenue
'alto, California 92376

Letter No. III-92

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I June Joy Dyer am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed June J. Dyer II

Address 5769 Chelsea Court, Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-93

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Marcia R. Hughes am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Marcia R. Hughes

Address 5645 N. Olive Ave.

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-94

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I William Hughes am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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Signed William Hughes

Address 5645 N. Olive Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-95

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Michelle Lomax am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Michelle Romax

Address 5544 Larch Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-96

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Michael Lomax am a resident of the El Rancho Verde Country Club ← No. 1
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Signed Michael Lomax

Address 5544 Larch Ave Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-97

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I LACEY A. KENDALL am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 5790 N. DATE AVE.

Rialto City Council
150 South Palm Avenue
ialto, California 92376

Letter No. III-98

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Stephen Mack am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Stephen Mack

Address 5818 Date Ave Rialto 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-99

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Gretchen Hendricks am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Gretchen Hendricks

Address 5795 Date Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-100

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Michael LaBonne am a resident of the El Rancho Verde Country Club ← No. 1
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The Lytle Creek Ranch project must NOT go forward.

Signed Michael LaBonne

Address 5795 Date Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-101

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I June Perkins am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed June Perkins

Address 5823 Sycamore Ave.
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-102

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Thomas McGraw am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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Signed T Thomas McGraw

Address 5997 Sycamore Av.
Rialto 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-103

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Gregory Redd am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed Gregory E. Redd

Address 5748 Chelsea Ct, Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-104

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I William Morrel am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed William Morrel

Address 5509 N. Sycamore Ave
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-105

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Daisy M. Martinez am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Daisy M. Martinez

Address 5581 Sycamore ave 92377

Rialto City Council
150 South Palm Avenue
'alto, California 92376

Letter No. III-106

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I DAVID HARRIS am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed David Harris

Address 6081 N RIVERSIDE

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-107

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Kathy Blalock am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Kathy Blalock

Address 5883 N. Riverside Ave.
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
alto, California 92376

Letter No. III-108

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I FORREST L. HAYES SR. am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Forrest L. Hayes Sr.

Address 6497 N. Sycamore Ave
Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-109

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Stefani Faiva am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Stefani Faiva

Address 6001 Riverside Ave.

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-110

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Pete Maney am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Pete Maney

Address 5607 Riverside Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-111

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Robert Bourland am a resident of the El Rancho Verde Country Club ← No. 1
Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 5885 SYCAMORE AVE. RIALTO, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-112

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Alyson Bourland am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Alyson Bourland

Address 5885 Sycamore Ave Rialto Ca 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-113

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Phyllis Blackey am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Phyllis Blackey

Address 19110 Knollwood Ave
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-114

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott, Mike Story

I Leon F. Mitchell am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Leon F. Mitchell

Address 5647 Riverside Ave
Rialto, Calif 92377

Letter No. III-115

To: Planning Commission
Rialto City Council

No. 1

RECEIVED
APR 01 2013
BY:

Sirs;

Your attention is called to the enclosed article -

We, in the North of Rialto, feel the same as the article depicts; serenity, natural beauty, camaraderie, kinship with neighbors + clear views ~~pro~~ devoid noise or air pollution.

I object to the plans of the Lytle Creek Ranch Specific Plan + request it not to be approved.

Respectfully,
Armen Turadian
Resident on Sycamore for 52 years.

ARMEN TURADIAN
5651 SYCAMORE AVE
RIALTO CA 92377-3914

Letter No. III-116

April 3, 2010

TO: Mr. Michael Story

RECEIVED
APR - 8 2010
By

RE: **Lytle Creek Ranch Specific Plan**

In a January 16, 2001 letter from the Center for Biological Diversity and the San Bernardino Valley Audubon Society, it stated that "virtually every *possible hazard* overly that exists in the County occurs on the project site, including flood, earthquake, liquefaction and fire." The conclusions outlined in the 2001 letter still exist today and if the project is approved, the City of Rialto, County of San Bernardino and the State of California may face dire financial responsibility. A natural disaster is the effect of a natural hazard (i.e., floods, fire, earthquakes, etc.) that effects the environment and leads to financial and/or human/property losses, e.g., Station Fire. No. 1

For your consideration, I will only address flooding and the ramifications of liquefaction/sand soils during an earthquake in the proposed project zone.

FLOODING No. 2

When we purchased a foreclosure home at 5529 Sycamore Ave in 1987, we did not receive a Property Disclosure Report (PDR), but our neighbors notified us that we could not put a permanent structure at the back of our ¾ quarter acre lot since it was in a flood plan area. Apparently, nothing has changed since 1987. Eight years ago when the Mountainview Collection (Tract No. 16044) was built, the resident at 3053 North Sycamore Ave, received a PDR that specifically indicated that the property was located within a *Special Flood Hazard Area.* In addition, the Disclosure Statement stated that Lots 1-8 (homes that back to the wash) are "subject to a nonexclusive easement for flood control purposes. The flood control easement establishes restrictions on what may be constructed on the rear area of the affected lots." (Page 6, Section 11, Item (c)). On Page 6, Item 19 of the same document, it states the "the Development is located near Lytle Creek Wash, which is a major drainage course originating in the San Gabriel Mountains. Buyer is advised that the wash may have water during storms and it may be

hazardous to children or pets playing in or around the wash." Interestingly, at the March 19, 2010, Community Meeting at El Rancho Verde Country Club, there was no mention that the wash would have protective barriers. This is a personal lawsuit waiting to happen! However, more importantly, how can the City of Rialto allow development in an area where the residents are restricted?

Rialto's SEMS Mutlihazard Function Plan ← No. 3

- In the section of Mitigation Plan, the City is responsible for eliminating or reducing the impacts of hazards which exist and are a threat to life and property. Mitigation includes local ordinances/statutes and *land use planning*.
- The Likelihood and Severity of Flood Occurrence was rated as Sometimes with a Low-Moderated-High.
- The 1996 Hazard Analyses Study is outdated for Mass Care and Shelter Management. The document states that "due to the prevailing socioeconomic make up of Rialto, most of the residents will relocate to homes of family and friends. Shelter will be needed for transients and the homeless." With all the new housing in North Rialto and the projected 8,000 new homes or 25,000 plus residents, the City of Rialto cannot count on family and friends. The City will incur costs.

LIQUEFACTION AND SAND SOILS IMPACT ON EARTHQUAKES ← No. 4

Rialto's SEMS Multihazard Function Plan

Liquefaction is a concern in the Lytle Creek Wash Area where there are sand soils and a high water table.

From San Bernardino through the Coachella Valley to the Salton Sea, over 300 years have passed since the last major earthquake (around 1680). Another major earthquake is likely to happen on this section of the fault within our lifetime, and will shake all of Southern California. The degree of shaking will be strong along the fault line but also further away where soil types, thickness of sediments and other factors amplify earthquake shaking. Damage may also result when strong shaking occurs in materials that are susceptible to liquefaction whenever the groundwater is close enough to the

surface. (Source: Southern California Fall 2008 Edition of "Putting down roots in **earthquake country".** Page 9)

The SEMS notes that Lytle Creek Wash Area has sand soils in addition to liquefaction. Soils can greatly amplify the shaking in an earthquake. "Passing from rock to soil, seismic waves slow down but get bigger. Hence a soft, loose soil may shake more intensely than at hard rock at the same distance from the same earthquake. An example of this type of amplification was in the Marina District of San Francisco during the 1989 Loma Prieta earthquake. That earthquake was 60 miles from San Francisco and most of the Bay Area escaped serious damage. However, some sites in the Bay Area on sand soils experienced significant shaking. This amplified shaking was one reason for the collapse of the elevated Nimitz Freeway. Ground motion at those sites was more than 10 times stronger than neighboring sites on rock." (Source: Southern California Fall 2008 Edition of "Putting down roots in **earthquake country**" Page 9).

Hopefully, you will find the above information instrumental in your decision making of the Lytle Creek Ranch Specific Plan. Based on my research, this project will be more of a liability than an asset to the City of Rialto. The United States has experienced numerous natural hazards in the past decade that have resulted in millions of dollars in financial aid to the impacted states. Section 409 of Public Law 93 requires as a condition to receive Federal Aid requires Local Government to evaluate the natural hazards of the area in which aid is to be used and take action to mitigate them, including *safe land use*. Eventually, the Federal Government will cease aid due to "poor decision making" and the City and residents will be responsible for damages. ← No. 5

Lynda Munemistu

Lynda Munemistu
5529 Sycamore Ave, Rialto 92377
(909) 820-3664

RECEIVED
APR 1 2010
BY:

Letter No. H-117

April 3, 2010

City of Rialto – Development Services Department
Attn: Mike Story, Director
Gina Gibson, Senior Planner
150 South Palm Avenue
Rialto, California. 92376
909 421-7246

Dear Mr. Story,

I am currently a Rialto city resident and was present for your meeting on March 18, 2010 at 6 pm at the El Rancho Verde County Club in /Rialto. After hearing your agency's presentation on the Lytle Creek Ranch Specific Plan, I am very concerned for the county of Rialto areas addressed in your development project. Though I am a city resident, my mother resides in Neighborhood II, addressed in your plan. No. 1

There are several problems I see with the Lytle Creek Ranch Specific Plan. First, the traffic will be a nightmare. With all of the proposed development in your project, traffic on Riverside Avenue, Linden Avenue and Country Club Drive will be atrocious. The increase in traffic will cause pollution issues and concerns, as well as congestion from the increase in cars and motor vehicles. Second, the increase in pollution. As mentioned previously, with the increase in cars and motor vehicles, pollution is a given. Our air quality will drastically decrease and due to the increase in smog, bad health as a result of poor air quality. Third, the beautiful view my mother now enjoys from her backyard will be completely lost. Because of the massive amount of building your project involves, and the type of dwellings you propose in your plan, specifically, apartments and two-story homes will block the gorgeous view of the mountains forever. My mother is currently retired and takes pride in the view from her home and the massive amount of open space and natural land seen from her backyard. No where else in Rialto will you find this beautiful view. And on top of that, the view of the mountains, on a clear day, from my mother's backyard is simply breath-taking. My mother has earned her retirement and has the right to a quiet, peaceful, natural setting from her home, which is almost impossible to find in this day and age. In her early seventies, she should not be forced to have to deal with additional traffic, noise and the loss of her view. She purchased her home in the late eighties for that very reason. My mother is not pleased with what your proposed plan will involve regarding Neighborhood II, and neither am I.

No. 4 No. 3 No. 2

My recommendation is that you consider building somewhere else, far away from Neighborhood II or not build at all in this area. I reside less than two miles from my mother's home on Sycamore Avenue, in Neighborhood II, and I hate to have to consider the impact of more traffic, increased air pollution and noise as a result of your proposed plan. Loosing the view of the mountains goes without saying. If your development project goes as planned, Neighborhood II will loose one of it's most treasured attractions; open space, natural habitat and land, and a priceless view of the mountains your can only find in that part of Rialto. Your consideration in this matter is appreciated. No. 5

Sincerely,

Susan Lewis

Susan Lewis
1547 West Norwood Avenue
Rialto, California. 92377
909 350-8623

Letter No. III-118

April 3, 2010

City of Rialto – Development Services Department
Attn: Mike Story, Director
Gina Gibson, Senior Planner
150 South Palm Avenue
Rialto, California. 92376
909 421-7246

RECEIVED
APR 13 2010
BY:

Dear Mr. Story,

I am currently a Rialto city resident and was present for your meeting on March 18, 2010 at 6 pm at the El Rancho Verde County Club in /Rialto. After hearing your agency's presentation on the Lytle Creek Ranch Specific Plan, I am very concerned for the county of Rialto areas addressed in your development project. Though I am a city resident, my mother resides in Neighborhood II, addressed in your plan. No. 1

There are several problems I see with the Lytle Creek Ranch Specific Plan. 1) Destroying the natural habitat in Neighborhood II. There is the issue of the Kangaroo Rat. I don't know much about the Kangaroo Rat but because it dwells in the wash/creek bed behind Neighborhood II, its habitat should not be invaded due to a development project. There are also plants and vegetation in Neighborhood II that should not be destroyed or uprooted because of the development plan. 2) Eliminating the access road behind the properties in Neighborhood II. Currently there is an access road behind the homes along Sycamore Avenue which was used for owners with horses, recreation vehicles, and access to properties from the rear. In your meeting on the 18th of March, 2010 your representative was unaware of this road and could not answer questions pertaining to this issue. Removing that access road is JUST NOT RIGHT! Many of these homes have had access to this road since the 1980"s. To remove it is not fair and shows little to no consideration to residents in this area. Many of these homes, like my mother's, have access to her home through a back gate only accessible from this access road. Are you going to deny her that? 3) Limited space between homes in Neighborhood II and the LCRSP homes/dwellings. In the meeting on March 18th, 2010 my mother brought up the issue of space between her home and your development project. Your representative stated that fifteen feet would be the maximum amount of space between your development project properties and her home. My mother was <u>not</u> pleased with that response. Again, it shows little consideration for the residents in Neighborhood II and is not good planning to allow only fifteen feet between current existing home and your property. No. 2, No. 3, No. 4

My recommendation is that you consider building somewhere else, far away from Neighborhood II or not build at all in this area. I reside less than two miles from my mother's home on Peach, in Neighborhood II, and I hate to have to consider the impact of destroying our natural habitat and vegetation in this area, the elimination of the one road which gives access to the homes in Neighborhood II from the rear and the lack of space between the homes in Neighborhood II and your development plan. If your development project goes as planned, Neighborhood II will loose three things that have been enjoyed since the 1980"s. Your consideration in this matter is appreciated. No. 5

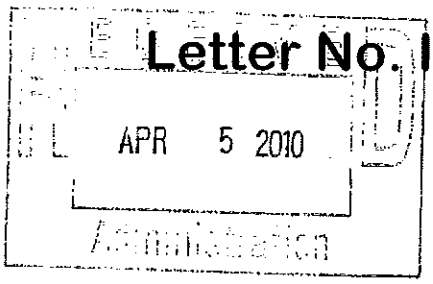
Sincerely,

Susan Lewis

Susan Lewis
1547 West Norwood Avenue
Rialto, California. 92377
909 350-8623

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-119



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Lorie Rubio am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed Lorie Rubio

Address 5704 Sycamore Dr.
Rialto, Ca. 92377

April 5, 2010

Letter No. III-120

Rialto City Council
Attention Mr. Joe Baca Jr.
Subject - Lytle Creek Ranch Development

Mr. Joe Baca Jr. has previously stated that the amenities planned by this development will be a benefit to the public. That is inaccurate. The development is a closed community and is of no benefit to the general public. Also, there is talk that progress and development is great for everyone - this is not so, the Lytle Creek Ranch project is a perfect example of over development. No. 1

Thank You Gilbert Dark

April 5, 2010

Rialto City Council
City Hall
150 Palm Ave. Rialto Ca. 92376

APR 7 2010

Letter No. III-121

I am soliciting your help to stop the development of a proposed housing project called Lytle Creek Ranch in Rialto California. This project proposes to build approximately 8000 homes and other appurtenances in Lytle Creek Wash, a wash which in the past has flooded and washed out Highland Avenue and Baseline Road and killed people. How much sense does it make to build anything in a wild wash ? Common sense tells you this is crazy from an environmental standpoint and from the risk of flooding standpoint. ← No. 1

Our home and the adjacent homes are zoned for horses and there are many horse owners here. A development as proposed right to our property line will prevent the equestrian use as originally proposed. When we purchased our home 30 years ago, we were told that the wash was owned by San Bernardino County and the wash can never be developed . Unfortunately the County sold the land and it became private land. ← No. 2

The developer in conjunction with the City of Rialto is trying to turn the wash into a development which will severely impact hundreds of homes and traffic on Riverside Avenue, which the only road for existing and future traffic, will be severely impacted with more signals and many more vehicles. The existing homes are on one half to one acre of land and the developer is proposing up to 14 dwellings per acre for single family homes per acre and up to 28 per acre for multiple dwellings which is unacceptable. The development is planning on 25,000 new residents in this concentrated area which is 25 % of the existing population. This is also unacceptable. ← No. 3

The City is primarily concerned with the tax dollars they think they will be generated from this development. The City and the developer are ignoring the negative impact the development will have on existing homes , people and Lytle Creek Wash. ← No. 4

The development would destroy about 5 miles by up to one mile of wash between Sierra Avenue and the easterly end of the El Rancho Verde golf coarse. This area is presently natural wash and habitat for wildlife and eliminating it creates an environmental nightmare. More area of the wash will be destroyed west of Sierra Ave. ← No. 5

This area is subject to floods, strong windstorms and earthquakes. The wind storms will cause sever sand and dust storm problems for all the residents if denuding of the ground occurs. ← No. 6

The best use of this land would be to remain as it now exists and possibly have it designated as Wilderness Area. The developer and the City of Rialto completely ignores the loss of life style and rights of the existing residents when they attempt to encumber the existing residents with far more new homes than should be built in the area. ← No. 7

We implore you to take whatever necessary measures that are possible to stop this rape of the land. ← No. 8

Thank You Sincerely

Gilbert Raab

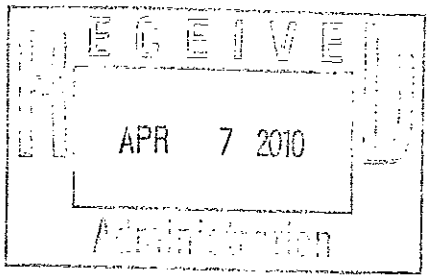
Letter No. III-122

Rialto City Council
City Hall
150 Palm Ave. Rialto , Ca. 92376
City Council :

Attached for your information and attention is a copy of my letter to Mr. Mike Story , Rialto City Planning Dept. containing my comments regarding the Lytle Creek Ranch EIR . No. 1

Thank You

Gilbert Daab



Mr. Mike Story
City of Rialto Planning Dept.
Subject - Comments on Lytle Creek Ranch EIR

1- A levee system appears inadequate to handle expected flood waters. Did San Bernardino County Flood Control provide comments and what were they? A prior attempt to develop this same area included a concrete flood control channel. Floods in this wash have previously washed out both Highland Ave. and Baseline Road and in the process killed people. Also, was the US Corps of Engineers contacted and if so, what were their comments? No. 2

2 - Any attempt to build anything in a wild wash, but most definitely homes, does not make much sense. Common sense tells you this is crazy from an environmental standpoint and from the risk of flooding standpoint. No. 3

3 -Traffic on Riverside Ave. will be severely impacted. Additional signals will delay thru traffic. What is the level of service for thru traffic for Riverside traffic and did the County of San Bernardino Traffic Dept. agree with the figures shown in the EIR? The projected vehicle trips for Neighborhoods 2 and 3 of 12,483 appears understated based on over 8000 new residences being added to the traffic. No. 4

4 - A very important issue for existing homes adjacent to Neighborhood 2 is that they are zoned for horses and there are horses here. This adds to the monetary value of the homes. The thyme of open space, piece and quiet and country atmosphere adds to the quality of life for the existing residents and it is why most of us are here. The development as proposed right to our property line will prevent the equestrian use and lifestyle we enjoy. This project and the EIR completely ignores this problem. Building thousands of houses crammed into this area is not what this area is planned for or needs. No. 5

5 - The existing homes mentioned above have a dirt road at the rear of the property that provides access to the property and supports equestrian activities. This road has also been used for safety issues such as fire , police and the West Valley Water District. This road has been used without restrictions for 30 years and has been completely ignored by this project.

6 - The construction of anything in the wash will result in denuding of the ground. Strong wind storms that we have in the area will cause sever sand and dust problems for all the homes in the area. Saying the contractor will be responsible for this problem is not the answer to this problem. No. 6

7 - The loss of life style for existing homes when they are encumbered by way many more homes than should be built in the area will cause devaluation of the existing homes. The EIR, the developer and the City completely ignores this problem. No. 7

8 - As habitat is taken over by development wildlife becomes a problem for home owners. This has happened in many areas and will happen here if this project is allowed to proceed. This is ignored in the EIR. No. 8

9 - Homes in our area are on one half to a full acre of land and the plan have up to 28 dwellings per acre in this new development is ludicrous. Also, contemplating 25,000 new residents in this development will over populate the area and probably overburden the City to provide the necessary services for the public No. 9

10 - The EIR down plays the endangered species. However; other studies done by Fish No. 10

and Wildlife have shown the area to be habitat for endangered species depending on the weather conditions. The Fish and Wildlife Service in their Federal Register (50 CFR Part 17) dated Oct. 17,2008 unequivocally states that the area included in the Lytle Creek Ranch contains critical habitat for the San Bernardino Kangaroo Rat.

11- This development is in the middle of a strong wind area and any development of this area will be a problem for new and existing homes with blowing dust and sand. ← No. 11

12 - Existing properties adjacent to Neighborhood 2 have a restriction on them that prevents any permanent structures on the rear of the property because of possibilities of flooding. This seems incompatible with any proposed development as is planned. ← No. 12

13 - The EIR states that the no project alternative cannot be assumed to constitute a feasible alternate for the sites long term use. This is ridicules, the no project is absolutely the best use of this land from the existing home owners and environmental point of view. Even the EIR states the no build option is superior environmentally. ← No. 13

14 - The developer should be responsible for providing long term mitigation of the lands habitat. The EIR is vague and does not make this a requirement. ← No. 14

15 - This project is far to large and should not be considered viable by the Rialto Planning Dept. and the City Council. Consideration needs to be made as to whether these Neighborhoods could be viable based on the impacts on the environment, on existing residences and on traffic. ← No. 15

16 - There is no project with the existing zoning. The City of Rialto Planning Dept. can and should stop this project by not approving revision of the zoning. This would conform to the wishes of hundreds of existing home owners affected by this project. ← No. 16

17 - The limited supply of water is a constant concern. The Rialto Planning Dept. and officials need to recognize this fact and stop the development of projects such as this EIR proposes. ← No. 17

Michael Story
Development Services Director.
City of Rialto.

RECEIVED
APR 07 2010
BY:

Letter No. III-123

Thursday, March 25, 2010

Subject: Shame on City of Rialto *and* Lytle Development Company

Had it not been for a concerned neighbor who actively monitors local issues that may concern her, the City of Rialto may have been successful in "sneaking" through another *middle of the night* Land Development deal in what may appear on the onset to be collusion between the City and land developer Lytle Development Company. A proposed development, *Lytle Creek Ranch*, is to be located on 2,447 acres of land between the 15 and 210 freeways, along Riverside Avenue. No. 1

As it was, she successfully notified other concerned El Rancho Verde Residents of an impending meeting to be held by the City within days concerning this so-called development. Our neighborhood is located within San Bernardino County and had it not been for this observant neighbor, we would have no idea of this proposed project. To reiterate we are not residents of the City and as a result, we were never informed of ANY proposed construction.

Many of us long time residents of this neighborhood have been under the impression there could never be any type of construction done within the Lytle Creek area running behind many of our homes. An example being a number of homeowners' in the past have attempted to build upon the same area in question only to be told by the County that construction could NOT be done as the entire area falls within a defined Flood Plain and two fault lines. So, we ask – how could this Developer suddenly appear out of nowhere with a *Lytle Creek Ranch Specific DRAFT Plan* dated 3/22/2010 appearing on the City's WEB Site just this week. The plan clearly illustrates years of planning and work with the City with NO input from this neighborhood at all. No. 2

Of great concern to our group is the building upon any fault lines, of which two are known to exist. The environmental impact alone will destroy native plants, the many wildlife species', create new air pollution without adequate environmental reviews, no discussion of air pollution from off-road diesel engines during years of construction, the lack of explanation of available water sources, and finally a subject concerning the traffic discharge to effect Riverside Drive that will create a nightmare no one seems to want to discuss. No. 3

And, to add insult to injury, we were told by the City we have until approximately the middle of April 2010 to respond to this plan. This is just another example of "*big developers pouring millions of dollars into lobbying, advertising and campaign contributions in an effort to thwart Californians' desire for stronger safeguards for our wildlands, atmosphere and watersheds*", to quote Sierra Club California recently. No. 4

See also: http://www.ci.rialto.ca.us/development_4491.php, Lytle Creek Ranch Specific Plan found on the City of Rialto WEB Page. No. 5

Any assistance you may assist with will be greatly appreciated.

Sincerely;

Joe Chesley
5575 Sycamore
Rialto, CA 92376

April 9, 2010

RECEIVED
APR 12 2010
By

Letter No. III-124

City of Rialto
Development Services Department
150 S. Palm Avenue
Rialto, CA 92376

Attention: Michael Story, Development Services Director

Subject: Comments on DRAFT Environmental Impact Report for the **PROPOSED** *Lytle Creek Ranch* Development.

The following comments are intended to amplify and supplement other comments provided previously by this author. I offer these additional comments regarding the sufficiency of the DEIR. I reserve the right to add to my comments at a later date. ← No. 1

As a first matter, the proposed project plan **unlawfully extends** the jurisdiction of the City of Rialto into areas subject to the responsibility and jurisdiction of other public Agencies, including, but not limited to San Bernardino County, the United States Army Corps of Engineers ("Corps"), as well as numerous other State, and Federal Agencies as well as and **most importantly**; the residents of *El Rancho Verde* neighborhood as it relates to lands and rights of ownership of property used and maintained exclusively for and by the *El Rancho Verde* neighborhood for equestrian property and rear entry gateways by those afore mentioned Homeowners. The proposed project involves an area currently zoned by San Bernardino County as equestrian property and cannot be changed without the approval of the residents. ← No. 2

Current planned project clearly illustrates an antiqued design. There is no "green" construction techniques discussed such as: water conservation usage, gray water re-usage, solar, wind (urban wind turbine), etc. ← No. 3

CONSERVATION EASEMENT: ← No. 4

Also shown within the proposed project is the access gravel roadway that extends along the rear of properties that currently *El Rancho Verde* neighborhood residents have maintained for over thirty-years to access the rear of their properties. This area is erroneously being shown within the planned project as having new dwellings built upon this property. The proposed project area is also within a known earthquake zone having two known fault lines. Area immediately within the area shown as NEIGHBORHOOD 2 falls within a known flood zone; area El Rancho Verde neighborhood residents have been restricted from building upon in the rear most section of our properties.

If anything, this area should clearly show a conservation easement along this entire area to incorporate the roadway being for equestrian usage.

SIGNIFICANT IMPACTS: ← No. 5

- The protection of wildlife and creeks is directly related to public welfare and the degradation of the visual character of the site resulting from significant hydrology impact due to the creation of potential downstream flooding associated with the project
- The proposed project would appear to be one of the largest development projects in the history of Rialto. Substantial evidence emerges that the project would result in significant impacts to environmental resources and public services in the City. ← No. 6
- Significant increase in demand for services and utilities that would result from the project, and the project's anticipated environmental effects on Rialto and surrounding areas, which include: significant levels of traffic, noise, and air pollution, the degradation of scenic landscapes, and the removal of wetlands, creeks, and other sensitive biological resources makes this proposed project questionable at least as proposed. ← No. 7
- Adequate water supplies are not available to serve the proposed project. No efforts are shown to maximize water conservation on the site – the project would result in significant impacts associated with water supply. ← No. 8
- The development of this proposed project in a potential flood zone and lack of a clearly thought out design strategy to address these hazards. ← No. 9
- The project would increase transit demand, and no transit service is presently available in the project area, the project would create a significant impact to transit ← No. 10
- The building intensity should be constructed on reduced acreage by building more horizontally instead of vertically. Therefore, the traffic, air quality, and noise impacts could be reduced substantially. ← No. 11
- Several significant environmental impacts resulting from the project will cause a decline in property values in *El Rancho Verde* neighborhood. ← No. 12
- This area is known for wind storms that will be only worsened by this proposed project. ← No. 13

TRAFFIC AND CONGESTION: ← No. 14

- The project would add several thousand vehicles to the local and regional roads during either peak hour, the potential for conflicts with pedestrians and bicycles would substantially increase.
- The project would add substantial traffic and cause adverse impact to Riverside Ave. This impact has not been explained in any detail. Any impacts should be lowered to less than before planned project levels. ← No. 15

In closing, I submit this project should be canceled due to inadequate evaluations performed as it relates to the *El Rancho Verde* neighborhood and our roadway easement that has been in place for over thirty years. ← No. 16

Sincerely;

Joe Chesley

Joseph E. Chesley
5575 Sycamore
Rialto, CA 92376

April 9, 2010 ← No. 17

RECEIVED
APR 13 2010
BY:

City of Rialto
Development Services Department
150 S. Palm Avenue
Rialto, CA 92376

Attention: Michael Story, Development Services Director

Subject: Comments on DRAFT Environmental Impact Report for the **PROPOSED** *Lytle Creek Ranch* Development.

The following comments are intended to amplify and supplement other comments provided previously by this author. I offer these additional comments regarding the sufficiency of the DEIR. I reserve the right to add to my comments at a later date.

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Current planned project clearly illustrates an antiqued design. There is no "green" construction techniques discussed such as: water conservation usage, gray water re-usage, solar, wind (urban wind turbine), etc.

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If anything, this area should clearly show a conservation easement along this entire area to incorporate the roadway being for equestrian usage.

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- The proposed project would appear to be one of the largest development projects in the history of Rialto. Substantial evidence emerges that the project would result in significant impacts to environmental resources and public services in the City.
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- Adequate water supplies are not available to serve the proposed project. No efforts are shown to maximize water conservation on the site – the project would result in significant impacts associated with water supply.
- The development of this proposed project in a potential flood zone and lack of a clearly thought out design strategy to address these hazards.
- The project would increase transit demand, and no transit service is presently available in the project area, the project would create a significant impact to transit
- The building intensity should be constructed on reduced acreage by building more horizontally instead of vertically. Therefore, the traffic, air quality, and noise impacts could be reduced substantially.
- Several significant environmental impacts resulting from the project will cause a decline in property values in *El Rancho Verde* neighborhood.
- This area is known for wind storms that will be only worsened by this proposed project.

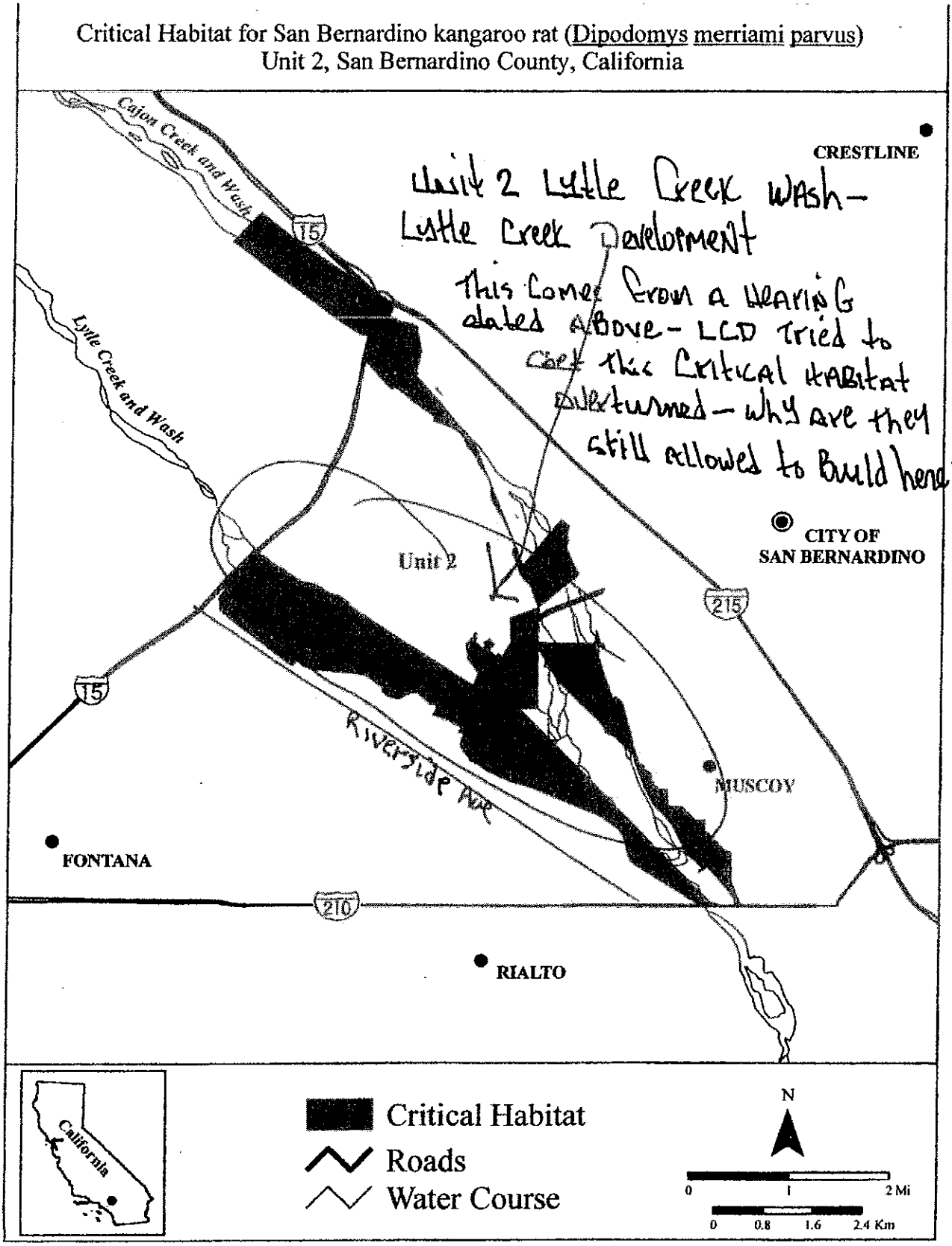
TRAFFIC AND CONGESTION:

- The project would add several thousand vehicles to the local and regional roads during either peak hour, the potential for conflicts with pedestrians and bicycles would substantially increase.
- The project would add substantial traffic and cause adverse impact to Riverside Ave. This impact has not been explained in any detail. Any impacts should be lowered to less than before planned project levels.

In closing, I submit this project should be canceled due to inadequate evaluations performed as it relates to the *El Rancho Verde* neighborhood and our roadway easement that has been in place for over thirty years.

Sincerely;

Joseph E. Chesley
5575 Sycamore
Rialto, CA 92376



BILLING CODE 4310–55–C

(8) Unit 3: San Jacinto River Wash, Riverside County, California. From USGS 1:24,000 quadrangles San Jacinto, Lake Fulmor, and Blackburn Canyon.

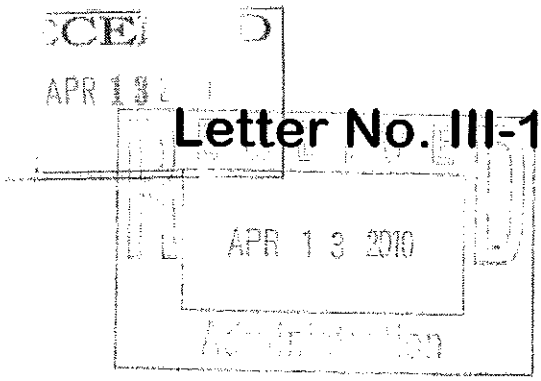
Area Map – Department of Interior – Fish & Wildlife Ser. 50 CFR Part 17 – Endangered and Threatened Wildlife & Plants

April 10, 2010

Mayor Grace Vargas

City Hall

Rialto, CA.



Letter No. III-125

We the people of the *El Rancho Verde* neighborhood are up in arms over a planned development tentatively being called *Lytle Creek Ranch*, which is to be located on 2,447 acres of land between the 15 and 210 freeways, along Riverside Avenue. The development is estimated to consist of approximately 7,407 dwellings. ← No. 1

I am soliciting your assistance to halt this project, the same project that was proposed in 2001 that the *County of San Bernardino* planners eyed skeptically. And at the time, neighboring *City of Rialto "was alarmed at the "leap-frog development,"* the county planning commission report said. Pounding rains - or fires or mudslides or earthquakes - could choke escape routes and trap residents. So what has changed between 2001 and today? And now, the *City of Rialto* seems intent in shoving this project down our throats. Apparently, in 2001 the *County of San Bernardino* did not feel the project had merit and the project was never allowed to proceed for some reason.

Of great concern to us is actions taken by the developer, *Lytle Creek Development Company*, and the *City of Rialto* to all intents and purposes excluding our neighborhood from any advance notice or inclusion in any such discussions that will directly affect our community. We feel this has been done purposely as we are *County of San Bernardino* residents and have no say so with any actions the *City of Rialto* may feel can be done in the name of progress. ← No. 2

Another crucial issue that requires additional review is the current zoning as it applies to the *El Rancho Verde* neighborhood. We are zoned as an equestrian area and the proposed project will inhibit upon those rights deeded to us over thirty years ago. The current proposed project clearly show mixed housing units being built directly upon areas currently in use by our residents as part of our equestrian tradition. As a community, we have constructed a gravel roadway we exclusively use for access to our rear property gateways. The zoning in our neighborhood is for one house per acre and the rear gateway is another deeded right now proposed to be eliminated through this project. ← No. 3

This proposed project also includes the construction of a revetment levee along the southern bank of Lytle Creek, spanning a distance of seven miles. In view of recent history concerning catastrophic levee failures, we feel this project brings about added distress for us and our downstream neighbors. We feel the unsympathetic out of town developer, *Lytle Creek Development Company* could care less about any future impact a major flood could bring to this area alone. The *City of Rialto* appears to only be concerned with tax dollars versus common sense. ← No. 4

Furthermore, the *City of Rialto* and *Lytle Creek Development Company* are ignoring the negative impact upon the multitudes' of many endangered species, and as the area presently is a nature habitat for wilderness plants and wildlife alike, eliminating it will create an environmental nightmare - a practice too commonly seen that needs to stop. ← No. 5

In closing, we implore you to question the feasibility of building such a project directly upon two known fault lines, the poor Air Quality as a result from poor management of off-road diesel equipment, undetermined amounts of dust and debris added to our air pollution will only continue to degrade our beautiful area. And not to mention the huge amount of traffic that occupants' of 7,407 dwellings will have upon Riverside Ave., the only proposed route into and out of the project. ← No. 6

I eagerly await your reply. ← No. 7

Sincerely;

Joseph E. Chesley
5575 Sycamore
Rialto, CA 92376

(909) 820-4653, home
(909) 645-2373, cell

RECEIVED
APR 13 2010
BY:

Letter No. III-126

Apr. 12, 2010

To: City Council. Mayor Grace Vargas, Debra Robertson, Ed Scott, Ed Palmer & Joe Baca

A Quick Reflection ON My Thoughts/OPINIONS of The Lytle Creek Project - If the City Council would Actually read and ponder these Thoughts. No. 1

Lets Go beyound the problems of 1) Pollution: (Winds 60 to 80 MPH with the sand Blowing - ruining Windows, decore of the existing homes, Sandblasting cars)

No. 2 → 2) Traffic: for some reason this project brings all Vehicles onto Riverside Ave (Estimating probably 25,000 pop. @ 2 cars = 50,000 vehicles, MIND Blogging the traffic JAMS This is going to occur).

No. 3 → 3) Flood Plan: I know with this leeve system that is designed to accomandate huge Amount of water (I delivered to New Orleans after KATRINA) Those were extensive Levees that were designed to withstand Hurricanes, Floods Etc. Look what happened There. You can't Imagine unless you've

been there. UNIMAGINABLE! I understand This levee or dike system would ACCOMMODATE The project, presumably. But what effect would this dike/Levee have further down Lytle Creek WASH towards Muscoy.

No. 4 → 4) IN my personal #1 GRIEVANCE TOWARD This Lytle Creek development is the ENDANGERED and Threatened Wildlife & Plants. There's A wonderful Wilderness Area THAT shouldn't be disturbed for The sake of Rooftops or The #1 factor for The city of RIALto "TAXES". Come on Council People don't sell out for -THE- SAKE of money.

No. 5 → 5) There WAS a column in the S.B Sun ABOUT the El Rancho Verde Residents ANGRY ABOUT this project, I THINK A Better word to describe "us" is CONCERNED. At The end of The Article one of Council people said that The project is Good for The city of RIALto. He mentioned different in his opinion what WAS good for instance: The Amenities such as WALKING Area (Not in our area) park, schools, Retirement Ctr, but the people of RIALto can't use these conveniences due to the fact this a GATED Community

and a Home Owners ASC. fees, which would be charged, Therefore off limits for anybody but residents or guests.

No. 6 → So in closing besides Pollution, flood, Earthquakes, Mass traffic problems, Cookie cutter Housing, destroying 2,447 Acres of Natural HABITAT, Mind boggleing problems That haven't even been Thought of As yet. I can't think of anything nice to say ABOUT this project, Not one person have I discussed this with is for It.

If your Actually representing the "People" you should in good conscience halt this Project. The only benefit is good old fashion greed. Lytle Creek development MAKES their MONEY Then they leave. City of RIALTO MAKES More taxes. IMHO opinion the people obtain nothing from this Project going forward.

Don't just throw This letter AWAY without reading and pondering what A NORMAL resident of El Rancho Verde thinks.

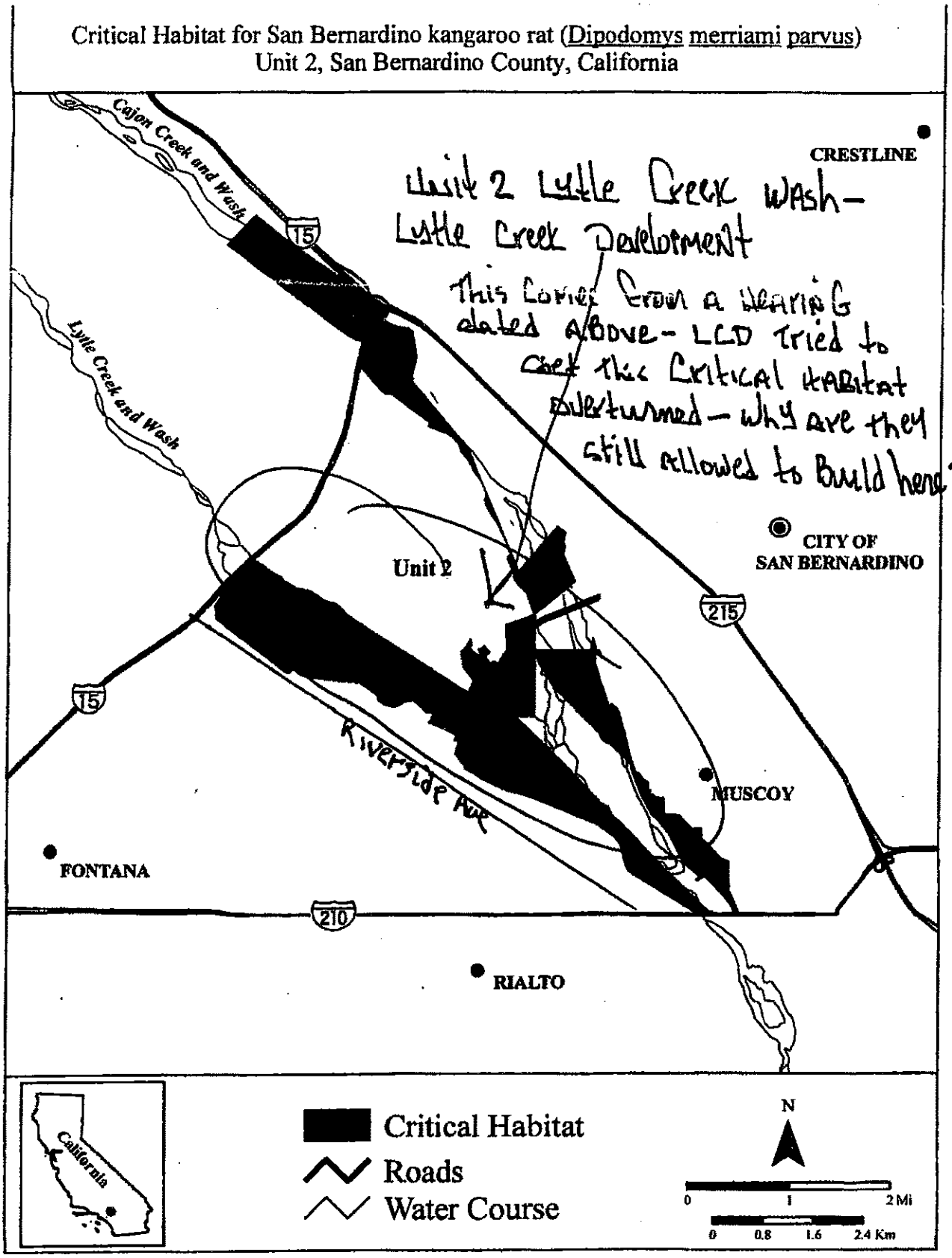
My Spelling is terrible THANK you for reading This.

(909)8204653 Joe Chesley 5575 Sycamore Ave.

P.S. No. 7

I am Also enclosing this MAP of A hearing by the fish and wildlife dated Oct. 17, 2008 where as the Lytle Creek developement tried To get This Critical HABITAT over turned, so They can turn this area into A Housing development. Note This Area Borders the rear of my House, Runs from Highland Ave All The way to I 15, Encompass the Lytle creek And right up to my back yard.

As I wrote on the map if this is Critical HABITAT why are they still being Allowed to build here? If you Council people Actually Live in RIALTO, How can you support this?



BILLING CODE 4310-55-C

(8) Unit 3: San Jacinto River Wash, Riverside County, California. From USGS 1:24,000 quadrangles San Jacinto, Lake Fulmor, and Blackburn Canyon.

Area Map - Department of Interior - Fish & Wildlife Ser. 50 CFR Part 17 - Endangered and Threatened Wildlife & Plants

RECEIVED
Letter No. III-127
BY:

April 11, 2010

Mr. Michael E. Story, Director of Development Services
City of Rialto
150 South Palm Ave.
Rialto, CA 92376

Re: LYTLE CREEK RANCH SPECIFIC PLAN

Dear Mr. Story:

After reviewing the proposal referenced above, I note that page 13 of the "Executive Summary" for the referenced plan indicates: ← No. 1

"Based on those existing zoning designations, a total of 2,215 single-family dwelling units and 1,097,418 square feet of commercial and light industrial development would be constructed, primarily in Neighborhoods II and III. In contrast, under the proposed LCRSP, a total of 8,407 units and 849,420 square feet of non-residential development, in combination with other public facilities (e.g. new school sites), would be authorized."

The proposed plan would almost quadruple the amount of residential units, increasing the population to close to 25,000 – all of whom will have to spill out onto Riverside Avenue as the main thoroughfare. This factor alone should question the validity or more specifically the viability of this project as presented.

Along with the above, the mere fact that a good portion of this development will take place in a ← No. 2
an alluvial fan with the risk of flood threats and the destruction of natural wild life should warn the City of Rialto that the project as presented is not the optimum use of this property.

I recognize the owners of this property have a right to build on their property, however, we, the ← No. 3
citizens of this community look to our government agencies to judicially protect us. Do you really wish to have the whole of Rialto covered with "two story residential boxes" on minimum lots with no place to park their cars other than street-side? In my visit to Rosena Ranch a few weeks ago, I noted cars and pick-up trucks parked in the street in front of the houses, the houses having been placed so close to the street that there is little room to even park in their driveways.

The City of Rialto now has an opportunity to be ready for the demands of the future. There is an ← No. 4
overabundance in this immediate area of exactly the type of construction that is proposed for this development and many of the proposed new owners will be looking for a yard for their children, a place large enough to have a swing-set, to play a little badminton. The LCRSP plan calls for extremely dense construction with Green Belts. In driving through projects of this type, do you ever see anyone using these so called parks. I can tell you, NO. The only areas used are the soccer fields or baseball fields and only for competition. People are afraid to send their children to the parks.

The original community development plan leaves the areas with natural habitat, a place where you can see nature first-hand without having to pay any Mello-Roos fees, etc. . No. 5

Protect the City from future law-suits, turn down this proposed development. This land was "flood control land" . It would be interesting why this status was changed, perhaps someone was "paid off" in the eighties. Our area has such a history of corruption. Could we be in the same category as the "Colonies" ? That area should have never been developed because of the flood threat and the future will bear this out. Do you remember the Harrison Canyon problem? Yes, there is a park there now, the houses flooded out. No. 6

The Owners have an idea that could easily be expanded and which no doubt would be very saleable at this time and provide a business impetus also for the City of Rialto. With the 210 freeway access, we should be promoting the over 55 adult community (not in the wash though). A nice development along the idea of "Sun Lakes" in Banning would bring immediate revenue to the City as seniors have a tendency to use local restaurants and shops. People that have been pent up in cities would love to retire where they could live in single story houses and see and enjoy a natural habitat with some breathing room. No. 7

Rialto does not need any more multi-family housing. Other areas are fighting multi-family housing and its inherent problems, why would you want to assume those problems so a developer can make a profit. Developer leaves, City suffers. No. 8

BE WISE-- TURN THIS PROJECT DOWN AS PRESENTED. DO NOT BE USED BY A DEVELOPER. THE FUTURE OF RIALTO WILL BE DETERMINED BY THIS DECISION. DO YOU WANT TO BE A CITY FULL OF SMALL LOTS AND CROWDED IN – A PLACE FOR FUTURE PROBLEMS OR WOULD YOU PREFER TO HAVE A NICE AREA THAT YOU CAN BE PROUD TO SAY THIS IS WHERE YOU LIVE AND WORK? No.

Sincerely,

Maria Cramer

Mrs. Richard Cramer
5886 Sycamore Avenue
Rialto, CA 92377-3910

Cc vargasg@rialtoca.gov
palmere@rialtoca.gov
bacaj@rialtoca.gov
robertsond@rialtoca.gov
scotte@rialtoca.gov
mtownsend@sbcounty.gov

cc Josie Gonzalez

April 12, 2010

Letter No. III-128

RECEIVED
APR 12 2010
By

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

To Mr. Mike E. Story,

On the southerly border of neighborhood II within the Lytle Creek Ranch Specific Plan and more precisely from the end of the golf course westwardly about 26 lots, are about 16 lots of approximately 1 acre in size. These lots all have areas designated as horse property towards the rear of the lots. At the time these lots were built on and sold, approximately 35 to 50 years ago, the area to the north was considered a 100 year flood plain and the land owners were told that the land would not be built on in the future because of its flood designation and the unstable geologic conditions. No. 1

Access to the back of these lots and the horse property was achieved by way of a dirt road adjacent to and just north of the back lot lines. Any aerial photo of the area clearly reveals this well used road. The road has been used by all owners for ingress and egress since the homes were built. The common uses of this roadway, was for animal and trailer transportation, animal feed, and for maintenance of the property. Maintenance of this roadway has been taken care of by the landowners as needed to provide a usable surface for vehicles and horses.

Neighborhood II, within the proposed LCRSP, indicates that access along this road is being eliminated by the development. If this is allowed to happen, then all of the horse property landowners are land locked to their property and can no longer access the back of their lots as they have for the last 35 years.

This is a text book case of a Prescriptive Easement. It is a well-established law that: the open, continuous and uninterrupted use of a road over the lands of another, under bona fide claim of right, and without objection from the owner, for a period of ten years, creates in the user of such road a right by prescription to the continued use thereof. Syllabus Point 2, *Post v. Wallace*, 119 W. Va. 132, 192 S.E. 112 (1937).

The manner in which a prescriptive easement may be used is defined by the manner in which the easement was used historically. "The character and purpose of the easement acquired by prescription are determined by the use made of it during the prescriptive period." Syllabus Point 3, *Burns v. Goff*, 164 W. Va. 301, 262 S.E.2d 772 (1980).

Establishment of a prescriptive easement, in reality, is failure of the record owner of the property to file suit against an adverse user within the statute of limitations. The record owner must file an action for ejectment of the adverse user prior to the time limits set by AS 09.10.030. AS 09.10.030 mandates a ten year statute of limitations for the owner to initiate a suit to remove the adverse user. On the other hand it is the minimum time the adverse user must meet the requirements for establishing the necessary prerequisites to bring a quiet title action to obtain title to the easement. After that, the adverse user cannot be denied access to the back of their property.

The Alaskan Supreme Court in *Alaska National Bank v. Linck*, 559 P.2d 1049, 1052 (1977), noted that while there were numerous elements of adverse possession, it interpreted AS 09.25.050 (the color of title statute of limitations) as requiring a three concept test:

> (1) the possession must have been continuous and uninterrupted; (2) the possessor must have acted as if he were the owner and not merely one acting with the permission of the owner, and (3) the possession must have been reasonable visible to the record owner.

This situation needs to be addressed and corrected prior to approval of any development seeking to establish residential housing in place of the area which has been used for roadway purposes over the last 35 years.

Thank you for your quick attention to this matter!

Signed Lynn M Borkett

Address 5529 Larch Ave
Rialto, CA 92377

cc. Supervisor Josie Gonzales
County Government Center
385 N. Arrowhead Avenue, 5th floor
San Bernardino, Ca 92415-0110

RECEIVED
APR 12 2010
BY:

Letter No. III-129

Rialto City Council
150 South Palm Avenue
alto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I James A. Schmidt am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to re as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward. as Proposed.!

Signed James A. Schmidt

Address 5667 Sycamore Ave.
Rialto, CA 92377

Letter No. III-130

April 12, 2010

RECEIVED
APR 12 2010
BY:_____

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

To Mr. Mike E. Story,

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Access to the back of these lots and the horse property was achieved by way of a dirt road adjacent to and just north of the back lot lines. Any aerial photo of the area clearly reveals this well used road. The road has been used by all owners for ingress and egress since the homes were built. The common uses of this roadway, was for animal and trailer transportation, animal feed, and for maintenance of the property. Maintenance of this roadway has been taken care of by the landowners as needed to provide a usable surface for vehicles and horses.

Neighborhood II, within the proposed LCRSP, indicates that access along this road is being eliminated by the development. If this is allowed to happen, then all of the horse property landowners are land locked to their property and can no longer access the back of their lots as they have for the last 35 years.

This is a text book case of a Prescriptive Easement. It is a well-established law that: the open, continuous and uninterrupted use of a road over the lands of another, under bona fide claim of right, and without objection from the owner, for a period of ten years, creates in the user of such road a right by prescription to the continued use thereof. Syllabus Point 2,*Post v. Wallace*, 119 W. Va. 132, 192 S.E. 112 (1937).

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> (1) the possession must have been continuous and uninterrupted; (2) the possessor must have acted as if he were the owner and not merely one acting with the permission of the owner, and (3) the possession must have been reasonable visible to the record owner.

This situation needs to be addressed and corrected prior to approval of any development seeking to establish residential housing in place of the area which has been used for roadway purposes over the last 35 years.

Thank you for your quick attention to this matter!

Signed James A Schmelz

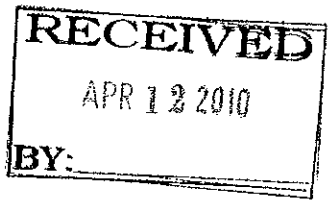
Address 5667 Sycamore Ave
Rialto, CA 92377.

cc. Supervisor Josie Gonzales
County Government Center
385 N. Arrowhead Avenue, 5th floor
San Bernardino, Ca 92415-0110

April 12, 2010

Letter No. III-131

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376



To Mr. Mike E. Story,

I, James A. Schmitt, am a resident of the El Rancho Verde Country Club Estates. I ← No. 1 was born and raised in the city of Rialto 64 years ago. I have seen it change form a small community with lots of orange groves and grape vineyards, and a relatively small number of residents, to one that has overgrown it's size limitation and is unable to take care of its own concerns. I have seen the City of Rialto through the eyes of a child, of a student, and also a husband and father. I returned to Rialto after college to marry and start my family. After my military service, during the Viet Nam war, I again returned to Rialto. I retired from the Rialto Police Department in 2006. Through the last 56 years I have seen the good, bad, and the ugly of this town. This town has always been my home. I am sad to see the possibility of the losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. During my residency here, I have seen two other proposed Developments for the area listed as Neighborhood II, in the current LCRSP and both of them failed to make it to the construction phase for various reasons. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5667 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. Some of the reasons I purchased my lot.

The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternate overlay in the location of the existing golf course. This overlay is identified as a single family residential overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is accepted, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use zone from Medium Density Residential (3-6 du/ac)/Recreational Golf Course to Single Family Residential is definitely not a wise decision. This action would leave the city liable for the difference in property value for each lot adjacent to the existing golf course. ← No. 2

There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigations. ← No. 3

The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated. ← No. 4

My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the title of 'Significant Environmental Impact' heading, "the ← No. 5

following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance".

As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, " that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions will remain significant". "The project's recommended mitigation measures will not adequately mitigate for the project's projected exceedance of the SCAQMD'S suggested threshold of significance standards for the construction-terms CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been established as maximum allowable levels by government agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the government agencies and let everyone do as they want regardless of the consequences.

As relates to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels would be to restrict the construction traffic to using the Linden Avenue entrance or the entrance of Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise level. ← No. 6

I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emissions levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the city's plan. Using the projects own figures, this project would increase the population of the city by 1/3(34,000) people. The number of vehicles and consumer needs associated with that number of people is mind boggling. A short time growth of that size is not healthy and if giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. ← No. 7

I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city.

I thank you for your time and assistance in these matters and anxiously await your response.

Signed James A. Schmitt

Address 5667 Sycamore Ave.
Rialto, Ca. 92377

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

Letter No. III-132

Mayor Grace Vargas,
City Council Members,
Rialto Planning Department
Mike Story
150 South Palm Ave.
Rialto, CA 92376

I, Lynn Boshart, a resident of El Rancho Verde Country Club Estates and ← No. 1
Chair of the El Rancho Verde Municipal Advisory Council of San Bernardino County, am informing you of my position that the City Planning Department has failed to keep me specifically and the MAC board members generally appraised of the meeting held by the Mayor, City Council and Planning Department regarding the Lytle Creek Ranch Specific Plan.

My telephone conversation and subsequent email correspondence with Christina Taylor, Associate Planner, began on March 20, 2008, over my concerns with the Lytle Development Company's proposed plan. She indicated that I would be kept informed of any activity with regard to Lytle Development, as would Supervisor Josie Gonzales' field representative Lisha Smith.

Mrs. Taylor told me to write so that my letters through email would become part of the permanent file kept on Lytle Development and their plans, so that notification would be sent to me and Mrs. Smith should the Planning Department or the City Council have further negotiations with the developer.

Now it is obvious that negotiations have been ongoing and that the Planning Department has failed to keep me, Supervisor Gonzales' office, and the Municipal Advisory Council for El Rancho Verde residents informed even after being specifically requested to do so, and a direct statement by a staff member that this would happen.

Since I have nothing from the Planning Department or the city of Rialto that would keep me up to date on the proceedings between the Planning Department, Rialto and Lytle Development Company, please supply me with all notes, memos, emails, telephone conversation notes, copies of plans, including modifications, communications with the County of San Bernardino, LAFCO, and any other interested party concerning the Lytle Development Company and the Lytle Creek Ranch Specific Plan.

Attached are copies of my original emails requesting to be keep "in the loop," regarding Lytle Development's plans and Mrs. Taylor's responses assuring me that that would happen.

Thank you for your quick attention to this matter.

Lynn Boshart

Cc. Supervisor Josie Gonzales
County Government Center
385 N. Arrowhead Avenue, 5th floor
San Bernardino, CA 92415-0110

Lynn Boshart <lynnboshart@earthlink.net>
New Development - Lytle Development
March 21, 2008 3:30:26 PM PDT
Christina Taylor <ctaylor@rialtoca.gov>

Dear Christina,

Thank you for taking the time to talk with me yesterday. Many thoughts regarding the proposed development come to mind and I hope that I can articulate them all here. If not, more will be sure to follow. These concerns are in no particular order other than as they come to mind. No. 2

Concerns:

1. That there will be a loss of scenic view.
2. That there will be a loss of native habitat for birds, animals, insects, reptiles, endangered and not. No. 3
3. That there will be a loss of an exclusive area, Country Club Estates and the pleasure of homeowners No. 4 have horses, goats, chickens, etc.
4. That the proposed high density of homes will be in sharp and conflicting contrast to the homes that e No. 5 The concentration of 8 to 14 homes per acre (and according to Mark Hischner, the highest density is what he expects to be approved) will be placed directly behind homes that exist one per acre currently.
5. That there will be noise, and light pollution where it does not exist now.
6. That the proposed "natural habitat" is pushed out into a dry riverbed (except when it rains) where litt No. 6 no vegetation currently grows or could grow due to the rocky, poor soil that is left from the hundreds of years of water runoff occurring in the riverbed. The dr riverbed will not be able to support any of the animal wildlife, bird habitat that thrives today in the untouched densely grown areas of native plants adjacent to the riverbed.
7. That the proposed development bulldozes mature native vegetation and vital habitat for numerous species, including but not limited to endangered species like the Kangaroo Rat, Delphi Sands flower-loving fly (which I have seen in my own backyard on numerous occasions), the Dudleya cymosa marcescens and numerous others.
8. That this development will be environmentally destructive. No. 7
9. That the designers/developers (Mark Hirschner specifically mentioned this to me) have never visited No. 8 walked the proposed site to know intimately the lay of the land, what is or isn't growing in the area they propose to build upon or leave as a "natural habitat."
10. That the designers/developers have never viewed the existing homes and development in Country Club Estates to have even a rudimentary understanding of the impact a development of this size and scope would have on those who live in and enjoy the area where th have chosen to purchase a home.
11. That the designers/developers haven't considered how significant the loss of the bucolic lifestyle, th caused people to buy here, will be on existing homeowners and the negative value the development will have on their home values. Instead of looking out over the vegetation of the wash to the hills beyond, we will be looking at a vast sea of roofs and roads as far as the eye can see.
12. Since this area is prone to high winds in excess of 50 miles per hour at times during more than six No. 9 months of the year, the amount of dust that would be generated by the proposed development would be at unbelievable amounts, which could potentially cause great damage to the existing homes in the area. What recourse would the homeowners have if such damage occurred during construction, if such construction does happen?

These certainly are not all the concerns that I or anyone else living in this area might have. Please feel to contact me or give my name and number to anyone who would like to discuss the above.

Sincerely,

Lynn Boshart
(909) 877-6005

"Christina Taylor" <ctaylor@rialtoca.gov>
RE: Visit
May 14, 2008 5:27:08 PM PDT
"Lynn Boshart" <lynnboshart@earthlink.net>

The City hired a consultant firm (EIS) to prepare the EIR. As far as I know, Lytle Dev also owns the golf course. The Lewis group is involved with the Airport Redevelopment but not the Lytle project. No. 10
Christina
-----Original Message-----
From: Lynn Boshart [mailto:lynnboshart@earthlink.net]
Sent: Wednesday, May 14, 2008 1:45 PM
To: Christina Taylor
Subject: Re: Visit

Who exactly would be doing the EIR? No. 11

When I viewed the project, the overview showed that the golf course would be involved in a redevelopment and that the Lewis group had purchased the course from Scott Beard and associates. This gave the impression that both Lytle Development and the Lewis group were working in tandem.

Lisha does an excellent job. Those on the MAC board know what an asset she is to Josie Gonzales' office.

Thanks,

Lynn
On May 13, 2008, at 5:22 PM, Christina Taylor wrote:

> Thanks for the update on the local flora. I will try to get out and see them. No. 12
>
> Just as a point of clarity the Lewis group is not involved in the Lytle project. The project applicants are identified as Lytle Development.
>
> As far as I know the EIR is still being worked on. We will be making a presentation before the MAC but things are kind of slow right now so I am not sure when this will occur. Don't worry we will keep your group in the loop. I have regular correspondence with Lisha Smith about stuff going on the City and I know she won't let me forget either!
>
> Talk to you soon,
> Christina
>
> -----Original Message-----
> From: Lynn Boshart [mailto:lynnboshart@earthlink.net]
> Sent: Tuesday, May 13, 2008 4:41 PM

To: Christine Taylor
Subject: Yuse

Dear Christine,

The yucca are in full bloom now and will last a few more weeks, then they are just dried out sticks. Since our rain this year was pretty good, there are hundreds or more out across the wash. I hope you can see them before they have finished blooming. ← No. 13

Is there an update on the Lewis Lytle Ranch project? We are still waiting to have a presentation to our MAC board and residents. Most seem to believe that this project will never get going since a similar one was tried about ten plus years ago. However, if it does, I believe that the city and the project developers will encounter substantial opposition from those who live in the area and possibly from those who don't.

All for now,

Lynn Boshart

Lynn Boshart <lynnboshart@earthlink.net>
Re: Any news?
June 11, 2008 11:39:37 AM PDT
Christina Taylor <ctaylor@rialtoca.gov>

Thanks for the update. I have passed it on to the community members. ← No. 14

Regards,
Lynn
On Jun 10, 2008, at 3:49 PM, Christina Taylor wrote:

> We will be bringing the project to the MAC, but it won't be for a while yet. I met with Lisha last week and let her know the same thing.
> Christina
>
> Christina Taylor
> Associate Planner
> City of Rialto
> 150 S. Palm Ave.
> Rialto, CA 92376
> Ph. Direct 909-820-2556
> Ph. Main 909-820-2525
> fx. 909-873-4814
> ctaylor@rialtoca.gov
>
> -----Original Message-----
> From: Lynn Boshart [mailto:lynnboshart@earthlink.net]
> Sent: Tuesday, June 10, 2008 3:41 PM
> To: Christina Taylor
> Subject: Any news?
>
> Dear Christina,
>
> I was wondering if the city and the developer were any closer to ← No. 15
> bringing the project to our MAC anytime soon? I am sure there is a chain of events that must occur before this step; however, we want to be in the loop early on rather than later. I appreciate any update you can pass along.
>
> Hope you are staying cool.
>
> Lynn Boshart

Lynn Boshart <lynnboshart@earthlink.net>
Re: Housing project
October 15, 2008 9:17:46 AM PDT
Christina Taylor <ctaylor@rialtoca.gov>

Thank you for responding,

Lynn
On Oct 14, 2008, at 8:10 AM, Christina Taylor wrote:

> Lynn
> The project is still being reviewed. But you are right, the housing market (and the market in general) is not good right now and I believe it has caused the timeline to be pushed out. Originally I thought we would be there in October or November but now I am not sure. I will keep in touch with you and Lisha from the Supervisors office.
> In the mean time if you have any questions let me know.
>
> Christina Taylor
> Associate Planner
> City of Rialto
> 150 S. Palm Ave.
> Rialto, CA 92376
> Ph. Direct 909-820-2556
> Ph. Main 909-820-2535
> fx. 909-873-4814
> ctaylor@rialtoca.gov
>
> -----Original Message-----
> From: Lynn Boshart [mailto:lynnboshart@earthlink.net]
> Sent: Monday, October 13, 2008 10:22 AM
> To: Christina Taylor
> Subject: Housing project
>
> Greetings Christina,
>
> Our next MAC meeting is tomorrow and I wanted to check with you and see if the developers
> of the housing project to take place behind El Rancho Verde Country Club up to the 15 Freeway, was still being considered. If it is, do they have a time frame for presenting it to those of us who would be directly affected? With the down turn of the housing market, I realize that the viability of new homes isn't what it was over a year ago. Yet, we remain concerned about what could be built in the near future. Any up dates would be appreciated.
>
> Thank you,
>
> Lynn Boshart
> El Rancho Verde MAC

No. 16

No. 17

The information in this e-mail and any attachments are for the sole use of the intended recipient and may contain

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-133

RECEIVED
APR 13 2010
BY:

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Melvin Myers am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to are as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 5651 Olive Ave., Rialto CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-134

RECEIVED
APR 1 8 2010
BY:

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Tracey Robinson-Myers am a resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. ← No. 1

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The Lytle Creek Ranch project must NOT go forward.

Signed Tracy K Myers

Address 5651 Olive Ave, Rialto CA 92377

RECEIVED
APR 13 2010
BY:

April 12, 2010

Letter No. III-135

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

To Mr. Mike E. Story,

I, MICHAEL, MARIA KOLT, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for ___ years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

My residence is located at 5761 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternate overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use from Recreational Golf course to ← No. 2

Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action would leave the city liable for the difference in property value of each lot adjacent to the existing golf course.

There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states and cities as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigations. ← No. 3

The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated. ← No. 4

My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the title of 'Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance". ← No. 5

As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, " that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions will remain significant". "The project's recommended mitigation measures will not adequately mitigate for the project's projected exceedance of the SCAQMD'S suggested threshold of significance standards for the construction-

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As relates to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels might be to restrict the construction traffic to use the Linden Avenue entrance or the entrance from Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise level. ← No. 6

I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emissions levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the interest of the city. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with that number of people is mind boggling. A short time growth of that size is not healthy and if giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. ← No. 7

I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city.

I thank you for your time and assistance in these matters and anxiously await your response.

Signed Michael Kat

Address 5761 Sycamore Ave Rialto, CA 92377

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

RECEIVED
APR 13 2010
BY:

April 12, 2010
Letter No. III-136

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

To Mr. Mike E. Story,

I, Sofia Lee, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for 14 years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

My residence is located at 5755 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

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I thank you for your time and assistance in these matters and anxiously await your response.

Signed Sofia Lee/.

Address 6755 Sycamore Ave Rialto CA 92377

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

April 12, 2010

Letter No. III-137

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

RECEIVED
APR 14 2010
BY:

To Mr. Mike E. Story,

I, Billy C. Henry, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for 47 years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

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Signed Billy C. Henry

Address 5659 SYCAMORE AVE.

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

RECEIVED
APR 14 2010
BY

April 12, 2010

Letter No. III-138

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

To Mr. Mike E. Story,

I, Mr & Mrs C.W. Todd am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for ___ years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

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As relates to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels might be to restrict the construction traffic to use the Linden Avenue entrance or the entrance from Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise level. No. 6

I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emissions levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the interest of the city. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with that number of people is mind boggling. A short time growth of that size is not healthy and if giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. No. 7

I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city.

I thank you for your time and assistance in these matters and anxiously await your response.

Signed C. W Yarn d. Gloria Pound

Address 5599 Sycamore Ave

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

Letter No. III-139

RECEIVED
APR 14 2010
BY:

April 12, 2010

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

No. 1

To Mr. Mike E. Story,

I, Danie C Jost, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for 5 years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development.

My residence is located at 5673 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternate overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in roperty value. This act of changing the land use from Recreational Golf course to

← No. 2

Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action would leave the city liable for the difference in property value of each lot adjacent to the existing golf course.

There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states and cities as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigations. No. 3

The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the title of 'Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance". No. 5

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terms CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been established as maximum allowable levels by government agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the government agencies and let everyone do as they want regardless of the consequences.

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I thank you for your time and assistance in these matters and anxiously await your response.

Signed _____

Address 5673 Sycamore Ave, Rialto

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

April 12, 2019

Letter No. III-140

To Mr. Mike E. Story,

I, Hans E Meyer, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for 35 years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

My residence is located at 5637 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternate overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use from Recreational Golf course to ← No. 2

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The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated. ←

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I thank you for your time and assistance in these matters and anxiously await your response.

Signed Henry E Meyer

Address 5637 Sycamore Rialto CA

Judith A. Meyer
5637 Sycamore
Rialto, CA 92377
mailing address:
P.O. Box 925
Rialto, CA 92377

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

April 12, 2010

RECEIVED
APR 14 2010
BY:

Letter No. III-141

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

To Mr. Mike E. Story,

I, VIRGINIA & JON BRADLEY, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for ___ years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

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I thank you for your time and assistance in these matters and anxiously await your response.

Signed Virginia Bradley

Address 15687 Sycamore Ave
Rialto CA 92377

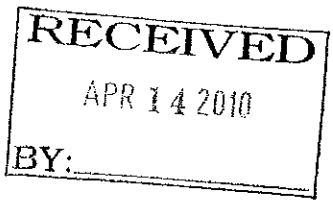
cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

April 12, 2010

Letter No. III-142

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376



To Mr. Mike E. Story,

On the southerly border of neighborhood II within the Lytle Creek Ranch Specific Plan and more precisely from the end of the golf course westwardly about 18 lots, are about 16 lots of approximately 1 acre in size. These lots all have areas designated as horse property towards the rear of the lots. At the time these lots were built on and sold, approximately 35 to 50 years ago, the area to the north was considered a 100 year flood plain and the land owners were told that the land would not be built on in the future because of its flood designation and the unstable geologic conditions. No. 1

Access to the back of these lots and the horse property was achieved by way of a dirt road adjacent to and just north of the back lot lines. Any aerial photo of the area clearly reveals this well used road. The road has been used by all owners for ingress and egress since the homes were built. The common uses of this roadway, was for animal and trailer transportation, animal feed, and for maintenance of the property. Maintenance of this roadway has been taken care of by the landowners as needed to provide a usable surface for vehicles and horses.

Neighborhood II, within the proposed LCRSP, indicates that access along this road is being eliminated by the development. If this is allowed to happen, then all of the horse property landowners are land locked to their property and can no longer access the back of their lots as they have for the last 35 years.

This is a text book case of a Prescriptive Easement. It is a well-established law that: the open, continuous and uninterrupted use of a road over the lands of another, under bona fide claim of right, and without objection from the owner, for a period of ten years, creates in the user of such road a right by prescription to the continued use thereof. Syllabus Point 2,*Post v. Wallace,* 119 W. Va. 132, 192 S.E. 112 (1937).

The manner in which a prescriptive easement may be used is defined by the manner in which the easement was used historically. "The character and purpose of the easement acquired by prescription are determined by the use made of it during the prescriptive period." Syllabus Point 3, *Burns v. Goff*, 164 W. Va. 301, 262 S.E.2d 772 (1980).

Establishment of a prescriptive easement, in reality, is failure of the record owner of the property to file suit against an adverse user within the statute of limitations. The record owner must file an action for ejectment of the adverse user prior to the time limits set by AS 09.10.030. AS 09.10.030 mandates a ten year statute of limitations for the owner to initiate a suit to remove the adverse user. On the other hand it is the minimum time the adverse user must meet the requirements for establishing the necessary prerequisites to bring a quiet title action to obtain title to the easement. After that, the adverse user cannot be denied access to the back of their property.

The Alaskan Supreme Court in *Alaska National Bank v. Linck*, 559 P.2d 1049, 1052 (1977), noted that while there were numerous elements of adverse possession, it interpreted AS 09.25.050 (the color of title statute of limitations) as requiring a three concept test:

> (1) the possession must have been continuous and uninterrupted; (2) the possessor must have acted as if he were the owner and not merely one acting with the permission of the owner, and (3) the possession must have been reasonable visible to the record owner.

This situation needs to be addressed and corrected prior to approval of any development seeking to establish residential housing in place of the area which has been used for roadway purposes over the last 35 years.

Thank you for your quick attention to this matter!

Signed Virginia Bradley

Address 6687 Sycamore Ave
Rialto AVE 92377

cc. Supervisor Josie Gonzales
County Government Center
385 N. Arrowhead Avenue, 5th floor
San Bernardino, Ca 92415-0110

April 12, 2010

Letter No. III-143

RECEIVED
APR 14 2010
BY:

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

To Mr. Mike E. Story,

I, TERRY MARTIN, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for ___ years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

My residence is located at 5815 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternate overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use from Recreational Golf course to ← No. 2

Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action would leave the city liable for the difference in property value of each lot adjacent to the existing golf course.

There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states and cities as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigations. ← No. 3

The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated. ←

My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the title of 'Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance". ← No. 5

As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, " that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions will remain significant". "The project's recommended mitigation measures will not adequately mitigate for the project's projected exceedance of the SCAQMD'S suggested threshold of significance standards for the construction-

terms CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been established as maximum allowable levels by government agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the government agencies and let everyone do as they want regardless of the consequences.

As relates to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels might be to restrict the construction traffic to use the Linden Avenue entrance or the entrance from Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise level. No. 6

I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emissions levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the interest of the city. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with that number of people is mind boggling. A short time growth of that size is not healthy and if giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. No. 7

I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city.

I thank you for your time and assistance in these matters and anxiously await your response.

Signed _____

Address 5815 SYCAMORE AVE.
RIALTO, CA.

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

Letter No. III-144

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

RECEIVED
APR 1 - 2010
BY:
RECEIVED
APR 14 2010
BY:

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Emily M. Munez am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed Emily M. Munez

Address 1107 Riverside Ave, Rialto 92377

Letter No. III-145

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

RECEIVED
APR 26 2016
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I CORNELL JAY BROTHERSHAM am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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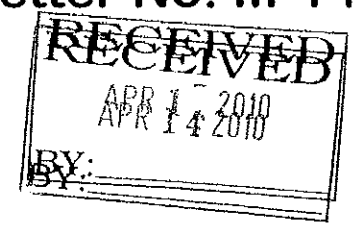
The Lytle Creek Ranch project must NOT go forward.

Signed Cornell J Brotherson

Address 6356 N. Lilac Avenue

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-146



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Irene Morse am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Irene Morse

Address 230 Winslow Ave

The UPS Store #1504
34625 Yucaipa Blvd., Ste. E
Yucaipa, CA 92399-2474
Phone (909) 790-6400
Fax (909) 790-6402

[redacted]

Fax

To: Michael E. Story From: Steve Loe

Fax: 909-873-4814 Pages: 2 including coversheet

Phone: Lytle Creek Ranch Sp Plan Date: 4/15/2010

Re: Lytle Creek Ranch Sp. Plan CC:

☑ Urgent ☐ For Review ☐ Please Comment ☑ Please Reply ☐ Please Recycle

• Comments:

Please call me at 909-5530486.

Thank You,
Steve Loe

RECEIVED
APR 15 2010
BY:

Letter No. III-147

Steve Loe, Certified Wildlife Biologist
12569 Fifth Street
Yucaipa, CA 92399
909-553-0486

RECEIVED
APR 15 2010
BY:

To: Michael E. Story
City of Rialto, Development Services Dept.
FAX # 909-873-4814

Re: Lytle Creek Ranch Specific Plan

Thank you for the opportunity to comment on this proposed plan. The Project and CEQA analysis are severely flawed from a biological standpoint. There needs to be some substantial dialog with the Fish and Wildlife Agencies and biological experts to make the project compatible with Threatened, Endangered and Sensitive Species, and discussions about the landscape linkages and corridors that would be impacted by this proposal. They have not been accurately addressed, and the conclusion that the project is mitigated to a level of nonsignificance for wildlife movement and T+E species is wrong.

The project as currently proposed would result in the permanent loss of San Bernardino Kangaroo Rat from the wash and adjacent uplands after severe flooding.

I suggest a meeting with the various agencies to attempt to modify the proposal and make design changes that would reduce the level of impacts. Currently, this project would have a significant impact on T+E species and on Wildlife Movement.

Since I have been involved in the biology of this area for many years and have worked closely with the agencies involved in approval of aspects of this project, I would like to be involved in any meetings designed to develop mitigation that would reduce currently significant impacts.

Please contact me to arrange a meeting so I can help make the project more compatible with wildlife and help make the CEQA analysis accurate.

Sincerely,

Steve A. Loe

Steve A. Loe

Letter No. III-148

Mike Story
Director of Environmental Services

As a concerned resident living in the El Rancho Verde neighborhood in North Rialto, I am responding to **Air Quality** issues that were listed as significant in the Environmental Impact Report for the Lytle Creek Ranch Specific Plan. No. 1

Impact 7-1to 7-4 page 73 of the summary; This impact cites dangerous emissions of carbon monoxide (CO), oxides of Nitrogen (NOx), respirable and fine particulate matter and volatile organic compounds(VOC) during the construction phase which are above the SCAQMD recommendations.
According to The Center for Community Action and Environmental Justice our region has one of the poorest ratings for Air Quality. It is unthinkable that intentional planned projects that further threaten the health of citizens would move forward knowing the current air quality statistics. This impact remains significant after mitigation has occurred

Impact 7-7; The project will locate sensitive receptors within an area of localized cancer risk in excess of the SCAQMD significance threshold of 10 in one million. No. 2
The toxic emissions including carcinogens which this project will produce will result in an increased risk of respiratory illnesses and cancer for our citizens. Current statistics for this area demonstrate there already is an increase incidence of asthma and other respiratory diseases attributed to air quality. A recent study at USC also links the incidence of malignant brain tumors to air quality.

The air quality impacts only address significant impact during the construction phase of the project which in total is estimated to be 20 years. These impacts will remain long after construction due to the increase traffic of approximately 25,000 vehicles. No. 3
There are several schools in the area as well as senior citizens living here. Children and seniors are most vulnerable to pollutants in the air. This is demonstrated by the alerts that recommend children and seniors remain indoors when air quality is poor.

As a Registered Nurse, I am very concerned about the health implications that this project may cause. I am also concerned about the availability of health care and other services with the influx of thousands of new residents. Our current systems are being challenged to provide critical services to our citizens.

Submitted by
Marcia Lentz
5605 Larch Avenue
Rialto, CA, 92377
(909) 875-5188
April 15, 2010

RECEIVED
APR 15 2010
By

Letter No. III-149

Rialto City Council
)0 South Palm Avenue
Rialto, California 92376

RECEIVED
APR 15 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Donna Boone am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live ere and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed Donna Boone

Address 16356 N. Lilac AVE

Letter No. III-150

RECEIVED
APR 15 2010
By

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I CHARLES J. BOONE am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Charles J. Boone

Address 6356 N. Lilac Ave, Rialto CA. 92377

Letter No. III-151

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

RECEIVED
APR 15 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Carey Jones am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Carey Jones

Address 1033 W. NORWOOD Rialto

Letter No. III-152

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

RECEIVED
APR 15 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Cindy Philip am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 19491 Cheshire Street Rialto Ca 92377

Letter No. III-153

RECEIVED
APR 15 2010
By

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I ERROL PHILLIP am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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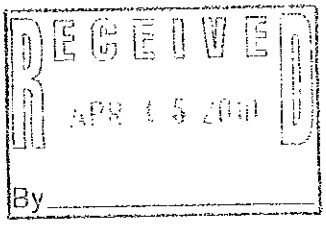
The Lytle Creek Ranch project must NOT go forward.

Signed E. PHILLIP

Address 19491 CHESHIRE ST.

Letter No. III-154

Rialto City Council
150 South Palm Avenue
Rialto, California 92376



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Damon DeNecochea am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 19497 Cheshire st. Rialto

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-155

RECEIVED
APR 15 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I Eric Van Hick am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy. No. 1

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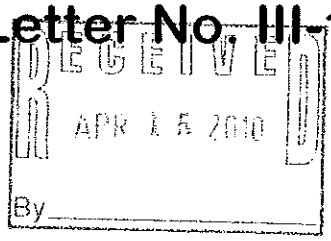
The Lytle Creek Ranch project must NOT go forward.

Signed _____

Address 1937 Cheshire St Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-156



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Jaime Micelotti am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Jaime Micelotti

Address 19537 Cheshire St Rialto, CA 92377

Letter No. III-157

RECEIVED
APR 15 2010
By

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Gary M. Kelly am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Gary M. Kelly

Address 19507 CHESHIRE ST.

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-158

RECEIVED
APR 15 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Steve Rodriguez am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

The Developers, the Pharris Brothers under their company of Lytle Development will not live here and therefore, do not care what happens to the existing residents. We do. And I urge you to care as well. Their development puts homes on 3,000 square foot lots next door to homes on nearly 1 acre.

Their development bulldozes valuable endangered habitat which supports myriad animals, birds, insects reptiles and plant species. The rare Riversidean Sage Scrub exists in very few places and the Lytle Creek Wash is one of them.

Their development puts homes in an area of a potential 100 year flood, high earthquake risk as well as fire hazard. In the event of an emergency and evacuation as happened in 2003, how will the approximate 10,000 vehicles leave the area?

The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 19463 Cheshire St
Rialto CA 92377

Letter No. III-159

RECEIVED
APR 15 2010
By

Rialto City Council
)0 South Palm Avenue
Rialto, California 92376

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Hannia Rodriguez am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Hannia Rodriguez

Address 19463 Cheshire St.
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-160

RECEIVED
APR 16 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I JAVIER DE LA TORRE a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Javier De La Torre

Address 5698 Sycamore AVE Rialto 92377

Rialto City Council
South Palm Avenue
Rialto, California 92376

Letter No. III-161

APR 15 2010

By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Similzinia De La Torre a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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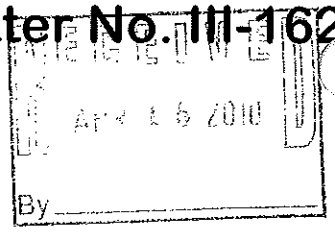
The Lytle Creek Ranch project must NOT go forward.

Signed Similzinia De La Torre

Address 5698 Sycamore Ave Rialto 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-162



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Bobbie J Rose a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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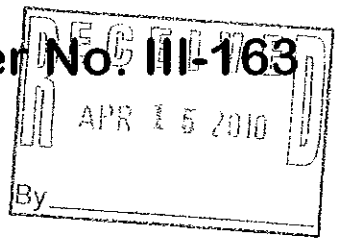
The Lytle Creek Ranch project must NOT go forward.

Signed Bobbie J Rose

Address 5604 Peach Ave

Rialto City Council
South Palm Avenue
Rialto, California 92376

Letter No. III-163



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I LELAND BAKER a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Leland Baker

Address 2915 Magnolia Ave, Rialto

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-164

RECEIVED
APR 26 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Shirley BAKER a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Shirley Baker

Address 5915 MAGNOLIA AVE

Rialto City Council
South Palm Avenue
Rialto, California 92376

Letter No. III-165

RECEIVED
APR 16 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I LILIANA MAITA a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

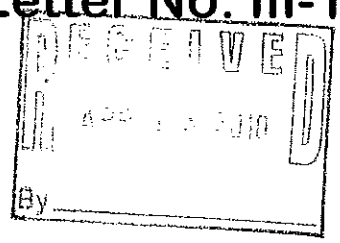
Signed Liliana Maita

Address 5814 Olive Ave.

Victor Maita

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-166



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Victor Maita a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed [signature]

Address 5602 Sycamore Ave.

Maria Maita

Letter No. III-167

Rialto City Council
[illegible] South Palm Avenue
Rialto, California 92376

RECEIVED
APR 15 2010
By
No. 1

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

I MARIA MAITA a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Maria Maita

Address 5608 Sycamore Ave.

Letter No. III-168

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

RECEIVED
APR 15 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Lizzie R. Kelly am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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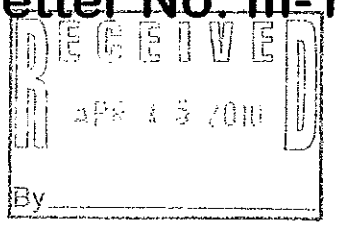
The Lytle Creek Ranch project must NOT go forward.

Signed Lizzie R. Kelly

Address 19507 Cheshire St
Rialto, CA 92377

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-169



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Margarita Valdez am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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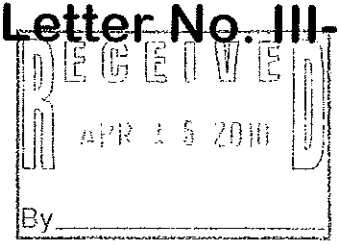
The Lytle Creek Ranch project must NOT go forward.

Signed Margarita Valdez

Address 19475 cheshire st.
Rialto CA 92377

Letter No. III-170

Rialto City Council
150 South Palm Avenue
Rialto, California 92376



To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Paul B. Bennett am a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Paul Bennett

Address 1950 B Cheshire St.

Letter No. III-171

Rialto City Council
[illegible]9 South Palm Avenue
[illegible]ialto, California 92376

RECEIVED
APR 15 2010
By

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Ross Baker R[illegible] a resident of Rialto. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.

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The Lytle Creek Ranch project must NOT go forward.

Signed Ross B[illegible]

Address 5915 Magnolia Ave

Rialto City Council
150 South Palm Avenue
Rialto, California 92376

Letter No. III-172

To Mayor G. Vargas,
City Council Members, E. Palmer, J. Baca Jr.,
D. Robertson and E. Scott,

No. 1

I Karen Odell-Clements am a former resident of the El Rancho Verde Country Club Estates. This letter is to inform you of my opposition to the Lytle Creek Ranch Specific Plan, Neighborhood II that is being considered for approval. This project would greatly alter the quality of life that my family and I now enjoy.
father & brother

This project does not take into consideration the existing community and the reason so many residents bought in this area. The rural nature of the community, the quality homes on large lots, the beauty of the country side and mountains, quiet neighborhoods and roads are not to be found in any area of Rialto. Now you are considering approving a project that would destroy the very community that many have treasured for so long.

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The Lytle Creek Ranch project must NOT go forward.

Signed Karen Odell-Clements

Address 33252 Lotus Ave Yucaipa CA 92399

No. 2 → I grew up at El Rancho Verde Country Club area enjoying the open space of the clubs golf course and at the time during the sixties and seventies of the years of ninteen hundred sixty four and on grapefruit groves and vineyards - I enjoyed many hikes in the wash - Do not tak away the

environment that the wildlife has enjoyed living in for so many years - I will contact the attorneys of the Sierra Club, Audubon and Wildlife Conservancy's to fight against this development. You did not see the effects of the 1968 floods that rack havoc on whomever was in its pathway through the wash —

Sincerely,

Mrs Karen Clements

Odell

RECEIVED
APR 19 2010
BY:

April 12, 2010

Letter No. III-173

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

APR 19 2010

To Mr. Mike E. Story,

I, Loren Rohde, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for ___ years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

My residence is located at 5797 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternate overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use from Recreational Golf course to ← No. 2

Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action would leave the city liable for the difference in property value of each lot adjacent to the existing golf course.

There is a legal procedure to obtain compensation when a property interest has been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states and cities as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigations. ← No. 3

The problem with the overlay for Single-Family residences in the location of the existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated. ← No. 4

My second objection to this development are those items that show an increase in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the title of 'Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance". ← No. 5

As far as being specific to the report on Air quality impacts, "no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance." The report further states, " that based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions will remain significant". "The project's recommended mitigation measures will not adequately mitigate for the project's projected exceedance of the SCAQMD'S suggested threshold of significance standards for the construction-

terms CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been established as maximum allowable levels by government agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the government agencies and let everyone do as they want regardless of the consequences.

As relates to the Noise impacts, the report states, "there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (North of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments". If this is really the case, a simple solution to the unacceptable noise levels might be to restrict the construction traffic to use the Linden Avenue entrance or the entrance from Highland Avenue. To allow construction traffic the use of those existing roads for the time period expected for construction is ludicrous. A day or two, or a week or two would be acceptable but we are talking years of traffic and unacceptable noise level. ← No. 6

I have identified only three areas of concern with the LCRSP in this letter. I have also suggested solutions in each case. My main concern is that the scope of this development is so large and so encompassing that it is presenting problems and situations that come with a price tag. In order to further this project and approve the LCRSP we will have to accept Noise levels above significant levels and emissions levels that are above what is accepted. This is not right and this is definitely not the way to move forward in the interest of the city. Using the projects own figures, this project would increase the population of the city by 1/3 (34,000) people. The number of vehicles and consumer needs associated with that number of people is mind boggling. A short time growth of that size is not healthy and if giving up our values and the established standards that protect our environment are the cost, it should be a definite no brainer. ← No. 7

I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city.

I thank you for your time and assistance in these matters and anxiously await your response.

Signed _____

Address 5797 N. Sycamore Ave
Rialto CA 92377.3966

cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

RECEIVED
APR 19 2010
BY:

April 12, 2010

Letter No. III-174

Director
City of Rialto
Development Services Department
150 South Palm Ave.
Rialto, California 92376

APR 19 2010

To Mr. Mike E. Story,

I, MARJORIE S. Cooley, am a resident of the El Rancho Verde Country Club Estates. I have lived in the city of Rialto for 38 years. I have seen it change form a small community with a relatively small number of residents and very few problems, to one that is overcrowded and has big city problems. I am sad to see the possibility of losing the only remaining area of a tranquil life style in the area. I have written this letter is to notify you of my opposition to portions of the proposed Lytle Creek Ranch Specific Plan. I plan to identify the specific areas of my concern to you in a very direct manner so that there will not be any chance of misunderstanding. I feel that the time, money and thought that has already gone into this project, by both the developers and the city, shows the determination and desire to complete this project by both parties. I am not writing this letter to say stop and don't build but I am writing it to say be sure you are doing the best you can for the established community as well as the new Development. ← No. 1

My residence is located at 5801 Sycamore Ave, which is adjacent to the existing El Rancho Verde Royal Vista Golf Course. My view has been one of an unobstructed 180 degree panorama from Cajon Pass to Reche Canyon and looking north across the 100 year flood plain towards the San Bernardino Mountains. So as you can see, anything that is done in the flood plain area or to the golf course, will affect not only my view, but also my ability to enjoy that view and the peacefulness of this rural area. These are two of the reasons I purchased my lot.

The proposed LCRSP shows a revised golf course for Neighborhood II. If the golf course is built as shown I have no objection to the layout of the golf course. But included in the proposed LCRSP is an alternate overlay in the location of the existing golf course. This overlay is identified as a single family residential (2-14 du/ac) overlay. The overlay is not acceptable and needs to be removed from the proposal! If this overlay is allowed to remain in LCRSP and the LCRSP is approved, it will forever change the designation of all properties now adjacent to the golf course. They will no longer be designated as golf course properties and therefore will have a significant reduction in property value. This act of changing the land use from Recreational Golf course to ← No. 2

Single Family Residential (2-14 du/ac) is definitely not a wise decision. This action would leave the city liable for the difference in property value of each lot adjacent to the existing golf course.

There is a legal procedure to obtain compensation when a property interest has ← No. 3
been taken or diminished in value by a government activity. This would happen when a government engages in conduct that destroys the landowner's ability to use and enjoy the property for the purpose it was purchased for. Inverse condemnation is a cause of action that can be brought by a property owner when a government entity allegedly has taken property without initiating any formal eminent domain proceedings. The action is based on the Just Compensation Clause of the Fifth Amendment to the Constitution, which declares: "nor shall private property be taken for public use, without just compensation." In the case Chicago, Burlington & Quincy Railroad Co. vs. Chicago (1897), the U.S. Supreme Court held that the constitutional requirement that just compensation be paid when property is taken for a public use applies to the states and cities as well as the federal government by operation of the Fourteenth Amendment's Due Process Clause. Property owners are constitutionally entitled to bring inverse condemnation actions even in the absence of legislation authorizing such litigations.

The problem with the overlay for Single-Family residences in the location of the ← No. 4
existing golf course is that it would substantially reduce the value of the existing lots within the EVCCE that currently are adjacent to the golf course. I believe that the entire overlay needs to be removed from the LCRSP so there is no chance of the switch from golf course to residences. If the LCRSP were to be approved the way it was submitted and the developer decided to switch to the residences, the city would have no recourse and would be open to lawsuits from each of those landowners as previously stated.

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in the Air Quality levels and noise levels above what is considered satisfactory. As noted in the LCRSP under the title of 'Significant Environmental Impact' heading, "the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance".

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terms CO, NOx, PM_{10}, $PM_{2.5}$, and VOC emissions". Maybe a smaller project or limiting the size of the construction that can be in progress at any given time would bring those unacceptable levels down to those satisfactory levels that have been established as maximum allowable levels by government agencies. If we can't follow those guide lines and if we continue to allow critical levels to be exceeded, then we might as well get rid of the government agencies and let everyone do as they want regardless of the consequences.

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I ask you take a good, long, hard look at this overall project and then decide if that is really what you want. You are in a position to protect the future of the city. Please don't let expansion and development put the city in a position of negative growth. Be sure that what is proposed is good and always hold the peoples concerns above all else. If it is really good for the people, it will be good for the city.

I thank you for your time and assistance in these matters and anxiously await your response.

Signed Marjorie S. Cooley

Address 5807 N. Sycamore Ave
Rialto CA 92377

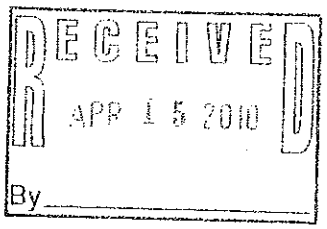
cc. Supervisor Josie Gonzales
County Government Center
385 N Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0110

cc. Mayor Grace Vargas
City of Rialto
150 Palm Ave
Rialto, California 92376

Mike Story

Letter No. III-175

From: Al Kelley [flow.ak@hotmail.com]
Sent: Thursday, April 15, 2010 4:08 PM
To: Mike Story; Liz Maine
Subject: FW: Lytle Creek Ranch Specific Plan DEIR



From: flow.ak@hotmail.com
To: mstory@rialtoca.gov; lmaine@rialtoca.gov; doug.momberger@sbcusd.com; dstoner@csusb.edu; ksiegel@biologicaldiversity.org; paula.t@twc-ca.org
Subject: Lytle Creek Ranch Specific Plan DEIR
Date: Thu, 15 Apr 2010 14:33:02 -0600

Sections within the Biological Summary 2-22 thru 2-23 . Conclusions drawn for several species are at the best conjecture, at worst, terrible biology. The presence in multiple locations of Slender Horned Spineflower in 1994, now gone???????? may have had to do with several illegal levy alterations (Spirit of the Sage intervention), so purposeful destruction needs to be considered. They are now found immediately east of El Rancho Golf Club all the way to County Preserve adjacent to Sheriff's Range. It IS a wet year, so, maybe, you should look NOW! San Diego Mountain Clover is also located at end of n. levee. Missed that too!.....Am including Dr. Mark Brunell's personal communication today concerning the ENDANGERED WOOLEY STAR ON-SITE that basically refutes consultant's sophistry differentiating the SAME plant's di-morphism! Gnatcatcher survey.....in July? They've already dispersed and are very 'un-vocal' then; I've taken several people including Matt Baker of ESRI to view Cal Gnatcatcher, Sage Sparrow, and Rufous-crowned on site; very glaring is the complete 'missing' Coastal Cactus Wren? Terrible biology! As a high-school teacher for 28 years, I'd have this crew go to summer school! Again, another missing person, the Burrowing Owl, here in 90's, now gone.....but outside of development footprint.....feral cats destroy wildlife within 100 ac. plots, so guess you'll have covenents against kitties? Water in creek either contaminated with lead and chemical dumping in Lytle Creek, but certainly NOT available to meet the needs of this ill-planned development. Did any of you read the Harshman's book on flooding history? You've already destroyed the east-side which will only deposit MORE water, the Venturi Effect. Something's gotta give, probably the poor in San Bernardino will float to Orange County, but still not be allowed in the California Scheme! Rialto used to be the buffer for the surrouding ghettoes, but your lack of wisdom will put you right in the mix to the destruction of your town and it's significant history!

No. 1

Albert Kelley POB 844,
Redlands, Ca. 92373

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. Learn more.

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

Letter No. III-176

Rialto City Council
City Hall
150 Palm Ave,
Rialto CA 92376

April 15, 2010

Mayor Grace Vargas

I wish to express my strong opposition to the development plans for north Rialto known as Lytle Creek Ranch Specific Plan. ← No. 1

I am a 60 year resident of Rialto now living on north Riverside Ave., where traffic is already a problem. I attended the presentation of the Pharris company held at t he Rancho Verde Country Club. As you know the strong opposition to the proposals was definite, not to just phase two but to the whole project. I expressed my concerns at that time.

My primary concern is their other phases that would build 5,000 homes not only on Riverside Avenue but particularly on I-15itself from Sierra Ave. north. Traffic congestion in this area on any weekend or late afternoon, with people heading for the high desert and the Cajon Pass is incredibly heavy, bumper to bumper, and backed up sometimes almost to the interstate 10. I have been caught in this mess more than once.Adding 3,000 more homes and stores to this congested area is almost a homeland security issue—complete bottleneck and obstruction. It is environmentally unsound. In addition, the drain on our scant water supply. The proximity to the San Andreas Fault and flood plain, fires in the Pass are a r,al concern. It is my understanding from the meeting, as pointed out by a County worker,that similar plans were turned down previously by the County Planning Dept. on these issues alone. ← No. 2

We must act in a responsible way to deny this development. To approve it almost smacks of a "done deal", and posible liltigation, certainly to be avoided.

Orange County developers are not concerned about our congestion problems.They take their money and are gone. Attractive drawings are no substitute for responsible and concerned planning.

I urge you to deny this plan. ← No. 3

Respectfully,.

Mary H. McCombs

Mary H. McCombs
5702 Riverside Ave.,
Rialto CA 92377

RECEIVED
APR 19 2010
BY:

Letter No. III-177

15 April 2010

Attn: Michael E. Story, Development Services Director
City of Rialto, Development Services Department
150 South Palm Avenue
Rialto, CA 92376

RECEIVED
APR 19 2010
BY:

Dear Mr. Story,

I am writing you today to comment on the draft environmental impact review (DEIR) for the Lytle Creek Ranch Specific Plan (LCRSP) currently available for review by the city of Rialto. I am writing as both a field botanist with over five years experience and a resident of southern California. I have reviewed portions of the DEIR that pertain to botanical resources and associated impacts. I feel that this project grossly underestimates the impacts of this project to native plant communities such as Riversidean alluvial fan sage scrub (RAFSS) and also to rare plants. ← No. 1

The LCRSP fails to adequately address the presence of slender horned spineflower (*Dodecahema leptoceras*) on the site. This species is very difficult to locate, even in a good year. I feel that this species should not and cannot be considered absent from the project simply because it was not seen in the project area in four years of consecutive surveys. If the species was present during the survey season of 1994, there is no reason to believe that all individuals or all of the seeds are gone from the site. This species is extremely variable in its germination in any given year. Even if the rainfall appears to be "good" in a particular year, microclimate within the floodplain can be very variable. Also, given the size of this species, it seems very likely that even an experienced field botanist could overlook a single individual or small group of plants. A determination of absent for this species seems irresponsible and should be re-evaluated. ← No. 2

The treatment of Santa Ana River woolly star (*Eriastrum densifolium* ssp. *sanctorum*) in the project area is another topic I am concerned with. This population of woolly star has long been known to be unique, in that is does not quite fit into any of the subspecies from a morphological or phonological prospective. Based on recent published genetic work by Sarah De Groot, this population may in fact be a distinct subspecies. It seems very clear, based on genetic work, that these plants are NOT the subspecies *elongatum* and therefore they should not be treated as so. We should try to better understand these plants before we destroy a majority of the population. We must also not forget that the USFWS includes this population in the original listing of the Santa Ana River woolly star as an endangered species. Therefore, regardless of data that was collected for this project, not treating these plants as an endangered species would be unlawful. ← No. 3

The DEIR fails to adequately address the potential of rare plants as designated by the California Native Plant Society (CNPS). Some of the species that are known to have occured in the project vicinity that should be addressed include *Ambrosia monophylla,* ← No. 4

Chorizanthe xanti var. *leucotheca, Mucronea californica* and, *Symphyotrichum defoliatum.*

To adhere to the CNPS (2001) guidelines the following two items should have been included in the DEIR: "Qualifications of field personnel including any special experience with the habitats and special status plants present on the site" and "Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms and accompanying maps." ← No. 5

The proposed open spaces preserves for the conservation of rare plants species, primarily Parry's spineflower, are inadequate primarily for one reason. The current plan indicates that the current flood plan of Lytle Creek will be further restricted by new development and levees. This restriction will increase the amount of water that will scour the preserved open space during high flow events. During a normal flood regime in RAFSS water has the ability to spread out and occupy numerous braided channels therefore decreasing the affect on mature RAFSS. By narrowing the flood plan through the project area, high flow events will have much more scouring capacity and it seems very likely that the first high flow event would devastate the open space preserve and change the community from RAFSS to that of a scoured active wash. This community change would be detrimental to the species that these preserves are aiming to protect. The width of the channel should not be restricted any more that it currently is to protect the mosaic of various aged RAFSS that occurs in the area. This plant community has been highly altered throughout much of the historic range and should be protected in all remaining intact areas, such as this project area. ← No. 6

I do not understand why we as a society continue to aim to destroy natural habitats for development when there are countless acres of abandoned agricultural land, vacant lots, and vacant houses that could much more easily be converted to a new development project, especially in the vicinity of this proposed project. I feel that this natural habitat in the city of Rialto that is currently being proposed for development is a very valuable natural resource for the community as whole. We should aim to protect these areas and see them for the amazing places that they are and not for what we can make them into. ← No. 7

Thank you for the opportunity to comment of this document,

Justin Wood
239 Ramona Ave.
Claremont, CA 91711

Letter No. III-178

RECEIVED
APR 26 2010
BY:

Ann Farooji
2423 N. Sycamore Ave.
Rialto, CA 92377
April 22, 2010

Rialto Mayor and City Council Members
150 S. Palm Ave.
Rialto, CA 92376

Dear Mayor G. Vargas and Council Members: J. Baca, Jr., E. Palmer, D. Robertson, and E. Scott,

I am a resident of El Verde Country Club Estates. This letter copied from other residents, but I feel it is part of my belief, too. I am opposed to the Lytle Creek Ranch Specific Plan, Neighborhood II. It should not be considered for approval. This neighborhood plan would alter the life of the people that live here.

This project does not take into consideration the existing community or city. The rural nature of the community, the quality of the homes, the beauty of nature, and the quiet neighborhoods are hard to find in Rialto or other places. The Lytle Creek Ranch project would destroy the community and Rialto.

The developers do not live here and do not care what happens to the existing residents of El Verde Country Club. The residents do care and we urge you to care as well.

The development bulldozers endanger our wild animals such as coyotes, foxes, lizards, mocking birds, quail, roadrunners, finches, scrub jays, etc. and our wild plants. The rare Riversidean Sage Scrub exist in a few places and our Lytle Creek wash is one of these few places.

This development would put their Lytle Creek Ranch homes in an area of an hundred year flood and earthquakes. As well as a fire hazard which the residents experienced in 2003. How will 10,000 vehicles leave this area safely in case of a flood, earthquake, or fire?

Please Mayor and Council Members do not approve of this development. Let us keep Rialto with no Lytle Creek Ranch plan.

No. 1

No. 2

No. 3

No. 5

Sincerely,

Ann Farooji

Ann Farooji

Appendix IV-C

PACE May 5, 2010 Technical Memorandum

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PACE
Advanced Water Engineering

Technical Memorandum

Date: May 5, 2010

To: Peter Lewandowski, Environmental Impact Services

From: Bruce M. Phillips, P.E.

Re: PACE Response to Comments on Lytle Creek Ranch Specific Plan Draft EIR 8425E

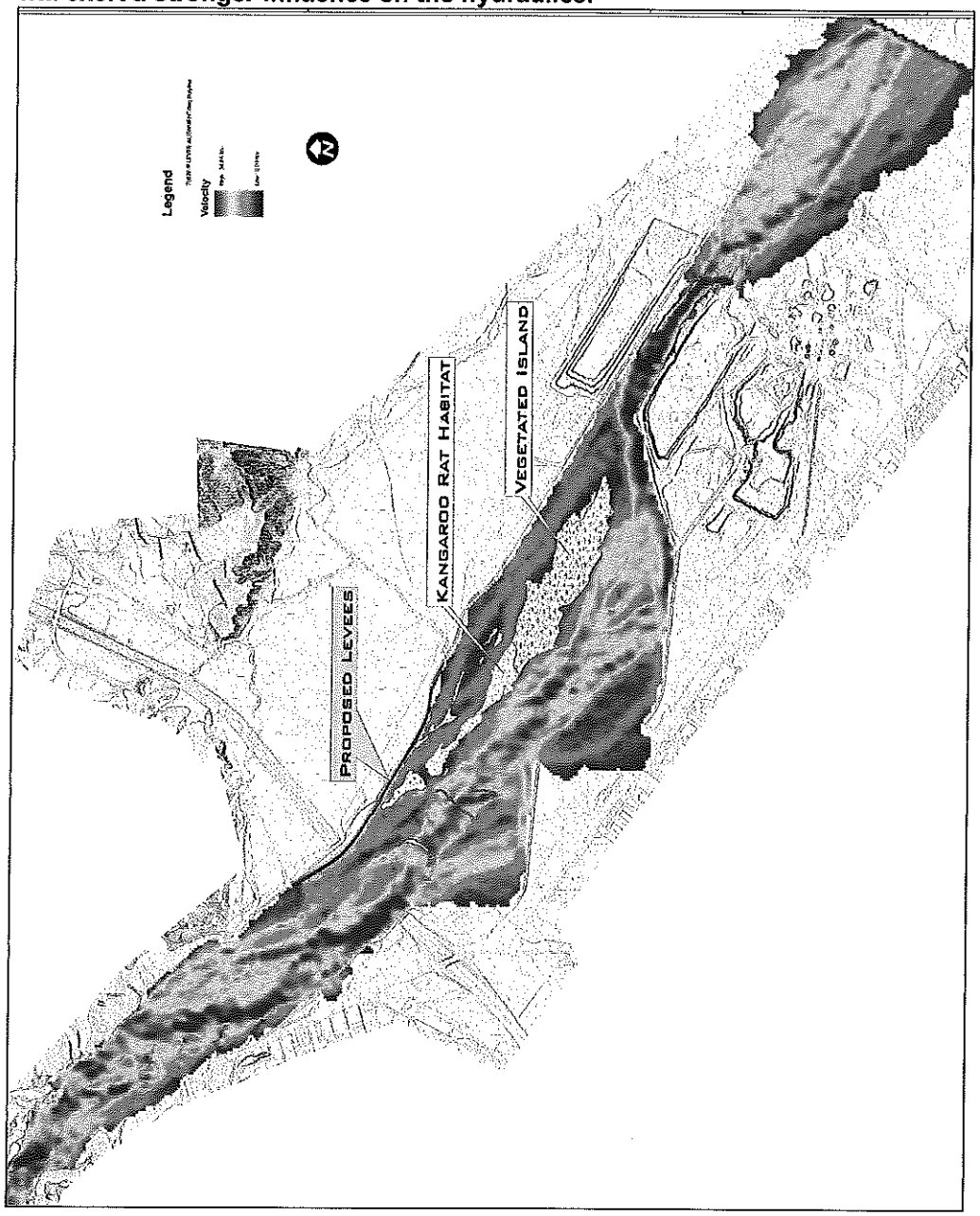
California Department of Fish and Game (Jeff Brandt)

Comment (I-9-4): *The primary concern of the Department is the proposed construction of approximately seven (7) miles of levee in the Lytle Creek floodplain and the potential impact of the proposed levee on existing plants and animals in Lytle Creek, potential impacts resulting from channelization of the stream, and possible future measures to protect the levee system from erosion. The proposed impact analysis is deficient and therefore the proposed mitigation measures are also deficient. Due to the fact that many of the projects are dependent upon the construction of a levee, the direct, indirect and cumulative impacts of the levee should be analyzed and mitigated for in the FEIR.*

Response: **Detailed (1) fluvial, (2) geomorphic, and (3) hydraulic analysis / assessments had previously been conducted as part of the project's plan formulation and preliminary design specifically to evaluate the project flood protection elements in order to adequately evaluate the impacts to the existing floodplain. A detailed wealth of information/investigations have contributed to understanding of the floodplain / fluvial system characteristics that has been developed from the many years of extensive study and detailed analyses as part of this project. Comprehensive "baseline" hydraulic studies have been conducted in order to evaluate and quantify potential impacts to the existing floodplain. The proposed flood control improvements are designed specifically to minimize the potential impacts to the floodplain since the majority of the improvements (1) are located in "ineffective" flow areas associated with the existing ACOE Muscoy groins, (2) are setback from the existing active floodplain and located on older historical terraces, and (3) follow an alignment of the existing channel bank system. The proposed flood control improvements do not "channelize" the floodplain since a significant "bandwidth or beltwidth" is maintained for meandering and migration while preserving the existing "active" floodplain width. In addition, the proposed flood control improvements primarily consist of streambank "revetment" for erosion protection and none of the proposed improvements to be constructed would be classified as a "levee." The proposed revetment is designed to require minimal maintenance in accordance with the Flood Control District requirements and should not necessitate modifications to the floodplain. The revetment was designed to accommodate "worst case" condition scenarios for both (1) deposition of debris, and (2) scour within the active floodplain without the need for active maintenance.**

The construction of the proposed revetment will result in limited reduction of the available hydraulic flow area within the portion of the floodplain where encroachment occurs since these encroachments are primarily along "ineffective" flow areas associated with the shadow effects from the existing groins, compared to the pre-project conditions. The encroachment into the floodplain will result in minor modifications to the average hydraulic characteristics, however, detailed hydraulic modeling of the floodplain conditions has indicated that the potential changes to the floodplain hydraulics from the encroachment are relatively small and are dissipated quickly because of the dynamic nature of the floodplain. Two different floodplain hydraulic models were

used to assess the impacts which included a one dimensional HEC-RAS model and a two dimensional FLO-2D model which provide an enhanced level of accuracy through the use of digital topography. Utilizing the two different models provided the opportunity to evaluate different scenarios and perform different sensitivity analysis in order to validate the models. This also greatly assisted in characterizing changes of the geometry of the active streambed associated with the variable conditions. The updated floodplain was utilized to quantify the potential changes to the floodplain hydraulics from the proposed flood protection revetment systems. The results of this analysis indicated that the potential changes from the revetment systems to key hydraulic characteristics such as depth, velocity, average shear stress, and cross sectional flow area are relatively minor. This would generally be expected from the limited encroachment of the proposed revetment systems within the floodplain since (1) the side effects on hydraulically "wide" channels have limited effect on the average hydraulics, and (2) the hydraulic regime is close to critical depth so the channel geometry downstream of the revetment will exert a stronger influence on the hydraulics.



The FLO-2D analysis illustrates the existing "baseline" floodplain conditions and how the locations of high and low velocity are distributed within the floodplain. The graphic also illustrates that the proposed development is occurring within the "ineffective" flow" zone where the velocities are low because of the groin shadow effect. Also, where the majority of the flow is within an incised active channel with adjacent overbank terraces, such as downstream of the CEMX levees, then there will be locations of shallow flooding on elevated floodplain terraces which will have very low velocities on these terraces since the majority of the flow is within the active channel system. The active channel downstream of the CEMEX levees and extending to the Cajon Creek confluence has become incised over time because of the historical response to the gravel mining in the Cajon confluence area. The lowering of the channel invert has resulted in minimizing the amount of flow from larger storm events which is conveyed on the overbanks or terraces as illustrated on the FLO-2D exhibit which depicts lower velocities with shallow flooding in these areas.

Comment (I-9-7): *The Department recommends including a discussion to identify and mitigate the impacts of the foreseeable future channelizing of the system to protect the proposed levees and infrastructure.*

Response: **"Channelization" of the existing floodplain is not practical, would be extremely cost prohibitive, would be maintenance intensive, and would not be required in the future since the revetments are sufficient. Furthermore, "channelization" would eliminate active groundwater recharge areas that are currently being used today. Future channelization could not occur without significant regional flood control improvements other than just constructing a channel unless it was desired to just maintain the thalweg in the center of the floodplain but this would be very ineffective in a braided system. Reconstructing or excavating the thalweg within the center of the floodplain could result in long term more damage to the channel since the system wants to distribute the flows and it would require the thalweg to be reconstructed annually. In addition, there is nothing that requires the main flows be centered in the channel such as a downstream bridge or culvert system along this portion of the channel. The nature of the sediment delivered by the channel would require the construction of a regional debris basin before allowing flow to enter a channel system since debris laden water would quickly erode the channel lining system, resulting in failure. There are not any benefits from future channelization that are not already achieved with the revetments, and maintenance is already accounted for in the design of the revetments. There are alternative methods for protecting the revetments, and the focus would be protecting the bank lining system used for the revetment, not channelization.**

Comment (I-9-8): *The DEIR fails to identify or mitigate the following impacts: the loss of foraging habitat for raptors, the loss of connectivity between upland habitat and the stream channel, the loss of upland habitat and the species dependent upon it, the potential loss of islands in the channel due to erosion from narrowing and confinement of the channel, the potential loss of existing mitigation lands in the channel, the overall loss of ecological diversity, and potential adverse impacts due to operation of the stream system as a confined flood control channel. Within City Creek and Plunge Creek the flood control agency is considering the need to center-line the flow path because of potential erosion to existing levees. There is no discussion In the DEIR of how the channel would potentially be maintained and managed following construction of the levee and giving the channel over to San Bernardino County Flood Control. These are foreseeable potential adverse impacts that are a direct impact from channelization of the stream system and should be addressed in the DEIR.*

Response: (1) **Lytle Creek floodplain is an existing and dynamic fluvial system in which expected changes are anticipated to occur in the active streambed since it is a "braided" system. This includes the migration, formation, and erosion of smaller depositional features, or islands within the active streambed because of the movement of the sediment bedload. The side-effect wall effects from the revetment on the active sediment movement and hydraulics within the streambed is very limited since it is a "wide channel" system and influenced primarily by the upstream stream and watershed conditions. The active channel width is being maintained while**

encroachment is occurring on the fringes in "ineffective" flow areas. The general trends and response of the channel system to the current existing active channel configuration has been demonstrated to be fairly consistent. This allows us to conclude that the "island" feature areas above the 100-year floodplain appear to be fairly stable based on observed historical trends. Although localized erosion process will continue but the net effect is to maintain the general configuration of the island. As expected there are localized pockets of erosion in areas that have exhibited stability, but again this is expected to continue to occur in a braided system since there will be corresponding areas of temporary sediment deposition. The construction of the revetment has limited impacts on the erosion since the revetment is on the fringe of the wide channel and would only have localized impacts from reflected energy into the active streambed.
(2) It is difficult to guarantee that limited erosion will not occur over time along the fringe of the mitigation lands without installing a permanent bank protection system that will ensure a fixed boundary given the dynamic nature of the streambed. This would be true with or without the project. Historic trends illustrated through the examination of historical aerial photographs have shown that the edge of the island where the SBKR conservation area is located has shown some decrease over time. Construction of the revetment should not accelerate erosion, and this expectation has been borne out by other revetments on this creek in similar locations, examining the historical erosion patterns of the active thalweg, and no significant changes to the streambed based on the results from the fluvial model. It should be noted that erosion potential on the large SBKR conservation island has been reduced as a result of the erosion protection measures established in 2008. These facilities should benefit the entire island stability and minimize erosive forces which experience the greatest exposure to hydraulic forces.
(3) The stream system would be confined to the "active" floodplain width with revetment on both banks and will be limited from erosion beyond these limits; however, the channel will be able to migrate fully within the defined "bank-width." The hydraulics does not illustrate any change of significance from the revetments which would have a direct influence on additional erosion. This is an extremely "wide" floodplain that will be maintained between the revetments, much wider than required based on its natural "self-forming" channel width. The remaining channel width is almost wider by a factor of ten in some areas than the estimated self-forming channel width, indicating that the channel has considerable ability to migrate and adjust within the remaining width. If the channel ever did naturally revert to a reduced width similar to the self-forming channel width, the increased flow depth associated with the reduced channel width has been accommodated in the proposed revetment since it has been elevated to ensure that there would still be sufficient flood protection.
(4) The example referred to with City Creek and Plunge Creek maintenance operation is only performed at this particular location because there are a series of culverts across the channel and the District wants to ensure the flows are directed into the culverts. This maintenance operation has nothing to do with the existence of channel revetments. Normally, the Flood Control District does not do any sediment removal within the floodplain adjacent to revetments since the revetments are designed for worst case scenarios when evaluating the (1) height of revetment, and (2) toe-down. The height of the revetment is designed for anticipated future deposition and the toe-down for future maximum scour. Revetments are intended to have "minimal" maintenance and the design standard from the District requires that it be designed for the worst case conditions in the future. Normal maintenance is primarily inspection to ensure the revetment's long term stability.

Comment (I-9-12): *Page 4.4-35 of the DEIR states that Lytle Creek is a San Bernardino County Flood Control District facility that has "highly debris laden flows" and that "experienced severe erosion and overflowed its banks" in 1969. One study cited in the DEIR compared flow paths from historical major floods. The conclusion was that the Lytle Creek flow path has been relatively unchanged since 1935, has been incised since 1862 and that only minor movement of the stream banks has occurred within the last 150 years. "A comparison of streambed slopes generally indicates that the active incised channel appears to have reached a long term equilibrium or a relatively stabilized condition "(page 4.4-78). The DEIR hydrology report states that the incised fanhead channel system has "defined boundaries" from the apex of the fan to the Cemex Mining levee system and that these defined*

boundaries confine the flows from uncontrolled migration across the fan. The analysis appears to be refuted by hydrologic events causing damage as recently as 2004 and 2005. The Department requests a revised hydrological study assessing the impacts associated with the proposed post project state including impacts from future maintenance of the levees.

Response: **Lytle Creek can be categorized as a "braided channel," which is generally characterized by multi-channel forms in which the channels are separated by bars and islands. Lytle Creek can be considered to be in a "dynamic equilibrium" in which there can be localized erosion and deposition, but the general stream mechanics trend maintains a similar slope and general channel geometry. This is consistent with the review of historical aerial photographs and other historic geomorphic evidence. Changes occur within the system which will include erosion and deposition at different locations since this is not a static system. The concept of stream stability can have several meanings. For a natural river, the definition of stability must include an allowance for the river's natural tendency to erode its banks during floods, meander, and adjust its geometry in response to changes in climate and watershed characteristics. However, the definition of stability must include the interface of the river's natural tendencies with human perception of those tendencies. For example, most people perceive a river to be unstable when some structure, such as a bridge or home site, is threatened by erosion, regardless of whether that erosion is a natural process or whether the erosion has been caused by some non-natural disturbance of the river or watershed.**

The characteristic features of the braided pattern like Lytle Creek are the repeated division and joining of the channels, and the associated divergence and convergence of flow which contributes to a high rate of fluvial activity. The different physical watershed/stream conditions that are associated with the development of braided channels include: (1) abundant sediment load, (2) erodible banks, (3) highly variable discharge, and (4) steep valley slopes. An important characteristic of braided rivers is the instability of their channels. Channel abandonment can occur on time scales varying from hours to months and can involve either gradual or sudden changes. The reason for the dynamic nature of braided river channels is rooted in their varying discharge, overall coarse sediment load, and unstable bank materials. During rapidly rising river stage, secondary circulation cells that form within channels quickly increase in intensity. As shown above, divergent flow cells cause the coarsest material being transported to accumulate within the center of the channel. In coarse bedload systems, these accumulations initiate the formation, growth, and downstream migration of channel bars. As a channel bar grows, it deforms or splits the flow, increasing bed shear stresses in channels or chutes on either side of the bar. Because the river is bedload dominated, the bank materials tend to be relatively coarse-grained and erosionally nonresistant. In addition, most braided rivers in California are formed in semiarid settings where little riparian vegetation protects banks. The nonresistant banks of braided rivers allow rapid lateral expansion of channel bars and erosion of the banks as bars grow and propagate downstream. The growth of these bars during floods leads to the establishment of numerous islands that split the channel into multiple individual channels that branch and rejoin frequently.

A detailed forensic hydraulic and geomorphic assessment was conducted by PACE related to the 2004 and 2005 erosion that occurred within Lytle Creek and was documented in a report, *Hydraulic and Geomorphic Assessment – Lytle Creek San Bernardino Kangaroo Rat (SBKR) Upland Habitat Conservation Area Erosion Protection Plan* (PACE, 2007). The results of this analysis are summarized and illustrate that the revetment system was not the cause or influence of the erosion. The analysis also demonstrated the uniqueness of the event and that the 2004/2005 events do not contradict the prior hydrology analysis. Several factors influenced the erosion associated with the Lytle Creek North Conservation Area from the late winter 2004-2005 storm events that represent significant changes or external hydraulic influences to the natural fluvial system. Additional influences particular to this erosion event that are independent of the floodplain hydraulics include: (1) extreme annual rainfall, (2) large single rainfall events in January and February, (3) fires within the upper watershed contributing to changes in the hydrologic

response and delivery of extreme debris loads, and (4) manmade diversions associated with the roadway construction at the Glenn Helen Parkway crossing for Lytle Creek. Each of these effects or influences can generally be associated with the development of numerous side-effects that have a cascading effect on stability and equilibrium of the river system. The particular item that appears to have had the largest effect on the floodplain and creek system was the road construction at Glenn Helen Parkway. This construction resulted in an upstream influence to the floodplain flow distribution that had distinct effects to the downstream creek system in part because the channel is hydraulically steep and influence from the dominant remnant braiding flow patterns which assisted in directing flows toward the island. The historic evaluation of the floodplain geomorphology and the hydraulic characteristics of a braided alluvial channel system indicated that it is heavily influenced by upstream flow conditions and patterns. Changes in the flow distribution have direct effects on the braiding morphology. Some specific important points associated with the hydraulic influences related to the erosion causes and locations include the following:

- **Glenn Helen Parkway construction by County crews for normal roadway repair channelized flows upstream of the existing Lytle Creek roadway crossing with in-stream earthen embankments that were located immediately downstream of the roadway creek crossing.**
- **The flow patterns downstream of the Glenn Helen Parkway road construction were redirected mostly parallel to the road with another earthen berm constructed within the streambed. It appears that this may have been part of the excavation stockpile for the roadway construction. This berm resulted in the changing flow directions by ninety-degrees downstream of the road towards the existing northerly bank of Lytle Creek.**
- **The diversion resulted in redirecting a significant portion of the normal flood flows to the north branch of the island, which typically does not receive the majority of the flows since the southern branch is the historic active channel system.**
- **The restricted or limited locations for flow to cross the Glenn Helen Parkway roadway accelerated the flows at just a few available locations. The flows were now more channelized rather than distributed across the streambed bottom which assisted in creating new incised channels that appeared to direct more flows towards the north portion of the Habitat Conservation Area, or the upstream head of the island which experienced the most severe erosion. The comparative review of the erosion patterns indicated that the bank erosion became less severe further downstream along the island.**
- **Higher flowrates, not commonly experienced on the north side of the island, developed different braiding and erosion patterns.**
- **The high debris load resulted in the plugging of the upstream stream gage station, which may have had some influence on trapping some limited amount of sediment that could accelerate erosion.**
- **Certain portions of the island perimeter geometry eroded which had previously provided hydraulic protective benefits to other portions of the island perimeter. In addition, portions of the island formed through the natural hydraulic accretion process had created small perimeter berms that protected portions of the island fringe. The erosion of these natural berms allowed surface flows across the island fringes.**

To summarize, the hydrologic events of the 2004 and 2005 rainfall season do not contradict any of the prior hydrologic / hydraulic / fluvial analysis.

Comment (I-9-13): *In 2001 the Department commented on the DEIR for the Lytle Creek North Planned Community (SCH 99051013). This project is on the east bank of Lytle Creek and is adjacent to and surrounded by the proposed Lytle Creek Ranch Project footprint. The 2001 DEIR speculated that future development will create the demand for complete channelization of Lytle Creek and that the width*

of the creek would be reduced from 1,700 feet to a 675 foot channel. The United States Army Corps of Engineers reviewed the Lytle Creek North Planned Development and concluded that the potential direct impacts of this project would include: changes in general erosion patters within the active floodplain, (2) influences to the natural trends for braided or meander patterns, 3) developing or influencing erosion features in other locations of the floodplain where these were not actively occurring in the existing conditions, and 5) adjustments to the streambed stability or modifying the existing equilibrium conditions. After the construction of the Lytle Creek North Planned Community, the Department prepared streambed Alteration Agreement 1600-2006-0266-R6 for repairs to the Cemex levee in Lytle Creek, and agreement 1600-2008-0080-R6 for repairs to the San Bernardino Kangaroo Rat Habitat Mitigation Islands in Lytle Creek. Both agreements are on the proposed project site and were required due to severe erosion and flooding within Lytle Creek. The Department requests a revised hydrological study assessing the impacts of the Lytle Creek North Planned Development and the recent armoring of the SBKR mitigation islands on the fluvial process of Lytle Creek from above the upstream northernmost proposed levee to the Cajon Creek confluence to the 1-210 and rail road crossing downstream.

Response: **A detailed hydraulic/fluvial/geomorphic analysis has been prepared specifically for the Lytle Ranch project preliminary design of the proposed flood control improvements and assessment of the potential impacts that extends from most upstream location of the proposed revetment improvements to the confluence with Cajon Creek. The preliminary design report for the proposed revetment was prepared as part of the technical documentation for the submittal package to FEMA for the Conditional Letter of Map Revision associated with the flood control improvements. This took into consideration both the Lytle Creek North revetment and the existence of the SBKR island erosion protection facilities. The analysis includes both one dimensional floodplain hydraulics with HEC-RAS modeling and two dimensional floodplain hydraulics with FLO-2D modeling in order to accurately assess and quantify in detail hydraulic impacts to the floodplain. These models were fixed bed models which focused on hydraulic characteristics of the floodplain. A sediment routing model was also developed for the proposed condition in order to evaluate changes in the fluvial system. The results showed that no significant changes to the fluvial processes of Lytle Creek within the reach of the project site or downstream of the project site. Changes to the hydraulic and fluvial processes would not be influenced by the project upstream of the proposed Neighborhood IV since the creek hydraulics are supercritical and controlled by the upstream natural system. In addition, the erosion protection facilities designed and constructed for the SBKR Conservation island area do not influence the existing hydraulics since these facilities are buried and a majority of original island area was restored to the original geometry. The potential effects on the fluvial processes were evaluated as part of the design of these improvements and were documented in the Hydraulic and Geomorphic Assessment – Lytle Creek San Bernardino Kangaroo Rat (SBKR) Upland Habitat Conservation Area Erosion / Protection Plan" (PACE 2007).**

Comment (I-9-14): *The hydraulic floodplain modeling used by the consultants is based on a "fixed-bed" model approach, meaning that the channel geometry and streambed are rigid or do not vary. It has been demonstrated that Lytle Creek can produce significant flood and erosion events, and the hardening of the existing habitat islands and proposed restoration of the Cemex levee were required due to such an event. It appears that implementation of the levee system would result in a pinch point at the southern end of the southernmost island and further erosion of the island in conservation would potentially occur. The Department requests the DEIR include a revised analysis of the cumulative impacts on fluvial processes, whether the construction of a levee or a confined channel would result in the loss of mitigation lands and other impacts to habitats, including the potential impacts to habitats within Cajon Creek above its confluence with Lytle Creek, and include the impacts associated with future maintenance of the system.*

Response: **In addition to the "fixed bed" hydraulic modeling prepared in the technical investigation, a detailed sediment routing analysis was also conducted through the application of a "moveable-bed" model in order to quantify the potential vertical changes in the streambed when**

considering a single design flood. The sediment routing analysis provided a short term simulation of the streambed's dynamic vertical response through the passage of a maximum storm hydrograph. Numerous sediment routing or "moveable-bed" models are available to assist in this type of analysis such as FLUVIAL-12 or MIKE-11. However, as with most numerical models, they are only as accurate as the input data and the ability to calibrate the model. A modified version of the Army Corps of Engineers' HEC-6 computer program was applied for the sediment routing analysis. HEC-6T program is a one-dimensional movable boundary mathematical model developed to simulate the changes of river bed profiles through sediment transport computation with constantly updated hydraulic and sediment characteristics over the duration of a flood or series of floods. The mathematical model synthesizes the changing river invert profiles based upon varying erosion and sedimentation characteristics analyzed through adjusting the cross sectional geometry, hydraulics, and bed material size distributions. The same three sediment transport relationships as those used in the fixed boundary sediment transport analysis were applied in the HEC-6T model. These included Meyer-Peter Muller method, Toffaleti equation, and Copeland's Modified Laursen equation. These three approaches were developed empirically under different river and laboratory flume flow conditions and are a function of hydraulic variables and particle sizes. The HEC-6T sediment routing procedure computed aggradation and degradation at every cross section for both the existing and proposed conditions, including one scenario that evaluated the potential case if there was zero sediment supply from the upstream canyon. A comparison of the results analyzed by the three different sediment transport procedures indicated that the Meyer-Peter and Mueller produced greater depth of streambed aggradation and degradation compared to the other two approaches. There were no measured data available to suggest which of the three transport methods would be the most appropriate to apply to Lytle Creek. However, the results generated using the Meyer-Peter and Muller transport procedure are probably most reflective of the field conditions since the formula was developed with particle size range and flow characteristics closer to those of Lytle Creek than the data from the other equations. Also, the differences between the existing and proposed conditions showed very little differences between the cross sections since the encroachment into the active floodplain is minimal.

The fluvial process should not be influenced from the proposed revetment system to areas within the lower downstream portions of Lytle Creek or Cajon Creeks because the floodplain processes are dominated by the existing constriction at the CEMEX gravel pits. This constriction controls the hydraulics downstream of this location since it functions as a hydraulic throttle. The proposed revetment system downstream of this location is setback from the active channel and would not influence the channel hydraulics. The historic gravel mining which occurred at the Lytle / Cajon Creek has resulted in incising the active channel downstream of the CEMEX gravel pit constriction to Cajon Creek. The lowering of the active channel invert from the gravel mining has been monitored and studied in detail as part of the long term fluvial investigation even while the Cajon gravel mining operation was active.

The proposed levee system will not create an additional pinch in the system since there already exists a pinch between the CEMEX levee and the southern portion of the SBKR island. The proposed revetment alignment does not encroach or reduce the active channel width beyond the existing pinch point width. In addition, the FLO-2D analysis of the velocity distribution within the floodplain in this area around the CEMEX levee and the SBKR island illustrates that the higher velocity is along the CEMEX levee not the SBKR island. The effect is associated with the influence of the active channel alignment turning at this location.

Comment (I-9-19): *The Department recommends the Lead Agency address and analyze the direct, indirect and cumulative impacts associated with these issues in the FEIR:*

1. *The potential cumulative impacts of the levee system, including levees on the east, on the fluvial processes of Lytle Creek above and below the 1-15;*

2. *The potential individual and cumulative impact of the levee on lands in the channel that are currently in conservation in perpetuity as mitigation for impacts to native fauna and flora (wildlife);*
3. *Inclusion of a management and maintenance plan for the proposed levee and channel by the San Bernardino County Flood Control Department;*
4. *A discussion of the proposed levee to protect the mining operation, what is necessary at a mimimum to protect the mining operation, the reasons why is this issue included with this project and an impact and mitigation analysis;*
5. *A discussion of prior efforts (2006) regarding the repair of Cemex USA levees along Lytle Creek, including proposed design ;*
6. *A response to the Army Corps of Engineers statements regarding the potential adverse impact of the North Lytle Creek Development levees on Lytle Creek;*
7. *A discussion of the adverse impact of flooding on in-channel mitigation lands proposed in the Lytle Creek North Development project and implications for this project;*

Response:

1. **The hydraulic impacts from the proposed streambank "revetment" system have been assessed through detailed floodplain hydraulic analysis specific to this project using both one dimensional and two dimensional hydraulic models in order to accurately evaluate/quantify the impacts. The results illustrate that the hydraulic impacts are minor which is to be expected since the revetment is primarily located along (1) existing streambank or levee location, (2) ineffective floodplain areas associated with the shadow effect from the existing Muscoy groins. These groins have received the PAL or Provisionally Accredited Levee through FEMA.**
2. **See response no.1. The hydraulic impacts from the revetment near the mitigation area was assessed in detail with the FLO-2D model and a two dimensional assessment of the "changes" to velocity and flow depths were developed that illustrated minimal impacts/disturbance.**
3. **The typical "Maintenance and Management Plan" by the District focuses on regular inspection of the revetment to ensure its integrity. Active earthwork operations in the active floodplain to redirect the flows are not generally required and the specific example of City Creek is maintenance associated with a culvert and not the revetment. Maintenance would include replacement of damage portions of the revetment and ensuring that the revetment is not undermined or overtopped.**
4. **Earthen embankments are not effective solutions on active braded channel systems to prevent erosion or flood protection and can be expected to ultimately fail. Based on industry standards one would expect that the minimum level of protection for the CEMEX levee would be to provide a structural revetment that meets the minimum requirements established by the ACOE and FEMA for levee systems.**
5. **The storm events that occurred in early January and February of 2005 resulted in erosion. This was a significant flood event illustrated by the unusual response in this and other locations within the Lytle Creek watershed and floodplain; resulting in damage to areas which had been stable for over thirty-years, such as the CEMEX gravel pit protective earthen levee. The erosion of the earthen levee that protected the mining operation occurred at a location that had been experiencing erosion over several years but had not been maintained. The resulting erosion/headcut caused the flow upstream within the creek to be diverted through the gravel mining pit.**
6. **See previous discussion on other responses and forensic analysis associated with the erosion causes during the 2004/2005 storm events.**
7. **See previous response. In addition, prediction of future lateral channel erosion is difficult; past river behavior must be thoroughly understood through geomorphic analyses since hydraulic modeling is not completely sufficient. In addition, the unique and active nature of the braided alluvial channel system present in Lytle Creek suggests the application of geomorphic techniques to predict the trends naturally occurring in the systems that**

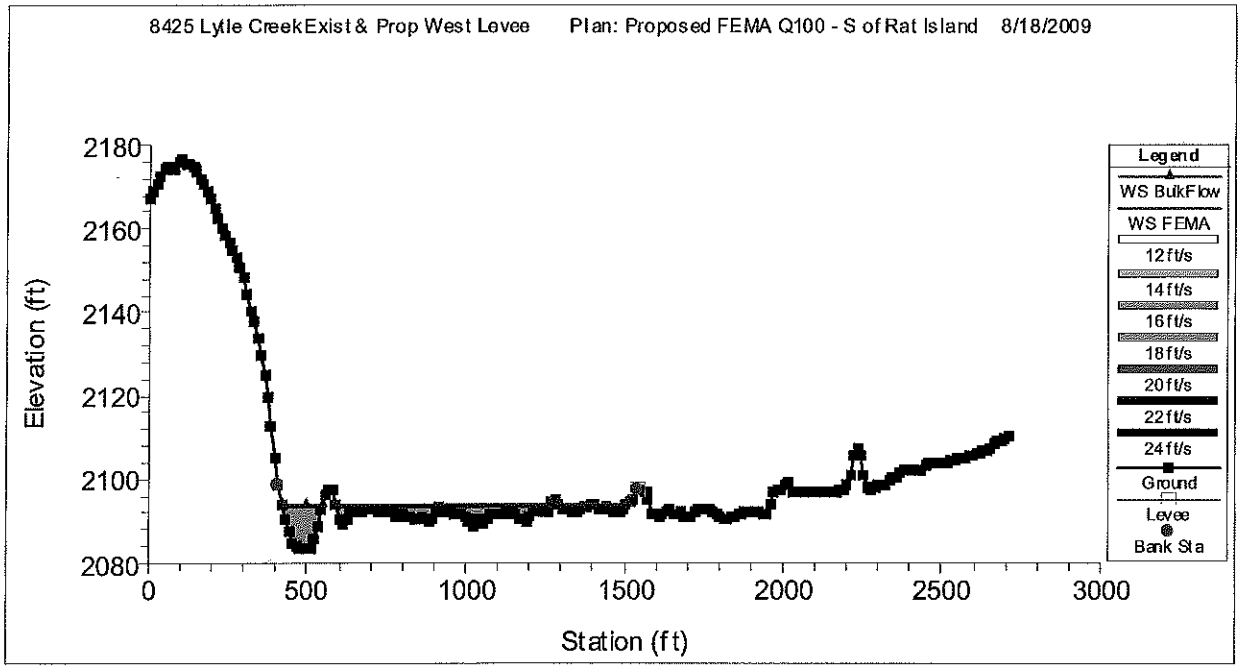
cannot be analyzed through mathematical models. There is not a long term guarantee that additional erosion will not occur to the mitigation areas even without the project since the system is very dynamic and erosion is a natural process. Nevertheless, it is reasonable to conclude that area above the 100-year flood levels will continue to persist within Lytle Creek adjacent to the project site and downstream. There is a risk assessment which considers the potential or probability of continued bank erosion. The analysis contains some level of risk and uncertainty because of the nature and dynamics of the fluvial system.

Comment (I-9-28): (22) An analysis of the temporary and permanent impacts from constructing a soil cement overpour structure over two high pressure gas lines that cross Lytle Creek, and why this is necessary.

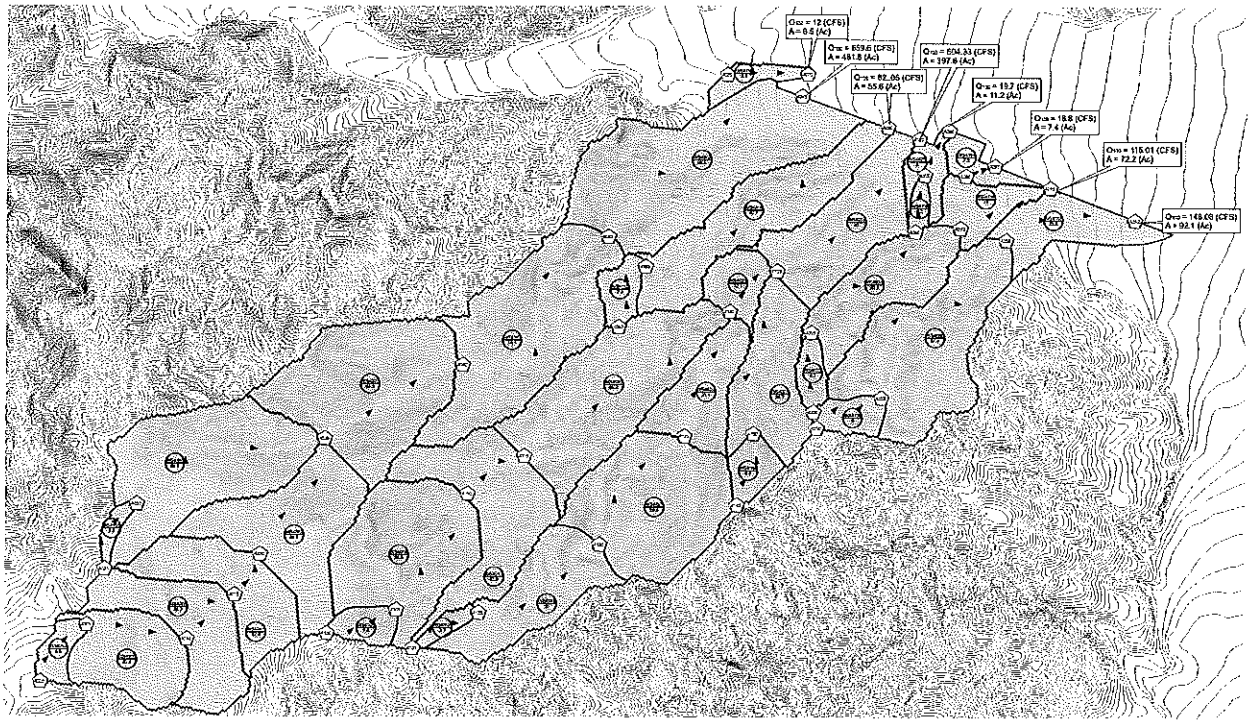
Response: **We believe that confusion has been created as the result of an incorrect statement in the "Preliminary Master Plan of Drainage and Stormwater Management Lytle Creek Ranch Project, Preliminary Engineering Study," November, 2008, prepared by Pacific Advanced Civil Engineering. Figure 20 of that plan correctly shows the potential location of a possible overpour structure, which would be within an existing utility easement held by Southern California Gas Company within portions of Neighborhood I and an off-site County parcel to the immediate north of Neighborhood I (where there is currently a dirt access road used by the Gas Company over these utility lines). The Drainage Management Plan Section 4.3.4 was simply intended to make reference to one possible method of addressing possible future work that may be performed by the Gas Company – independent of the Lytle Creek Ranch project – at such time as the Gas Company may decide to resurface its existing access roadway over this segment of the gas line in this area or otherwise proactively address future erosion problems to this section of their pipeline. At this time, we do not know what intentions the Gas Company may have in this regard. PACE will correct Section 4.3.4 of its report to remove any reference to Lytle Creek and the use of a soil cement overpour structure within Lytle Creek.**

Comment (I-9-30): (24) A discussion of the encroachment of proposed development east of S. Lytle Creek Road within the floodplain and a history of flooding and protection of S. Lytle Creek Road.

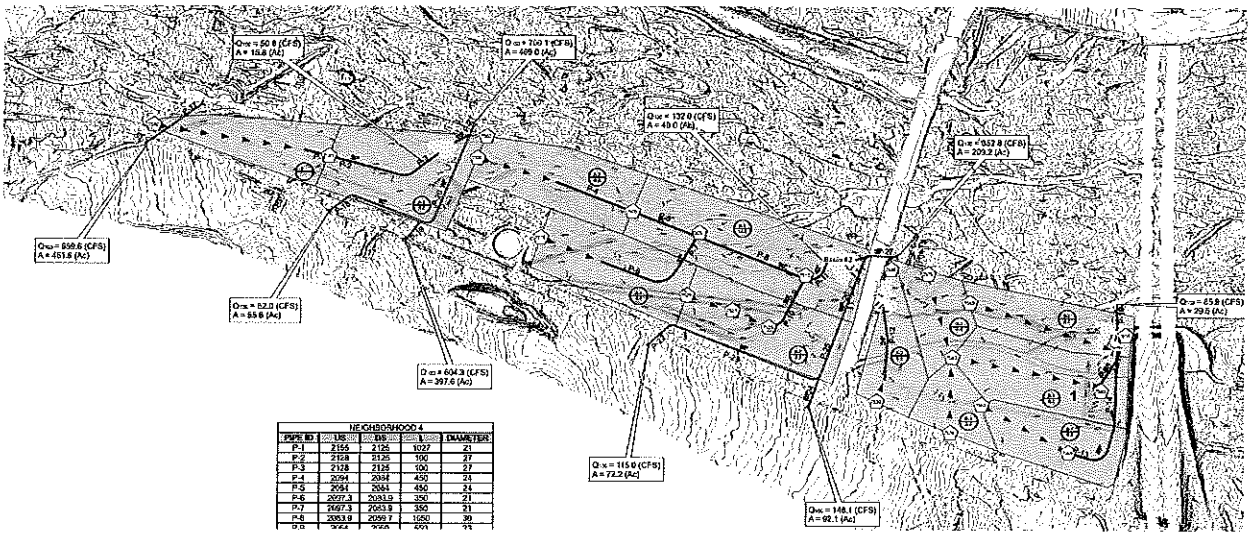
Response: **There are two separate issues which are discussed in this comment that will be addressed with this response. These issues include (1) encroachment of development east of South Lytle Creek Road within the existing Lytle Creek floodplain, and (2) flood protection associated with historical flooding along South Lytle Creek Road. Regarding the first issue, the proposed development was specifically oriented to minimize/avoid encroachment into the existing "active" floodplain through alignment of the revetment so that it followed the active streambank. The proposed revetment will follow along the horizontal alignment of the existing western bank which defines the limit between the active channel and older overflow terraces from the historic fan. The western bank appears to have been previously established with the original construction of the I-15 freeway to assist in directing flow to the bridge. The bank alignment is illustrated in the following representative cross section of the floodplain which depicts the location of the active channel bank on the right side of the cross section which the 100-year water surface elevation is below the level of that existing embankment. Although the cross section does not illustrate the proposed fill to the right of the existing streambank, this area will be elevated through earthen fill to an elevation that is above the existing top of streambank. The area to the right of the existing embankment is no longer within the active 100-year floodplain as illustrated in the cross section geometry of the existing stream. This ensures that the proposed revetment will not influence the floodplain hydraulics from removal of effective flow area since it follows an alignment consistent with the active floodplain boundary along the fringe of the floodplain. Hardening of the streambank should not change the hydraulic characteristics of the floodplain since the armoring of the streambank with the revetment will be identical to the existing composition of the existing bank that is heavily armored with very large cobbles.**



The <u>second issue</u> is related to the proposed project flood protection addressing the historical flooding along South Lytle Creek Road. The existing historical flooding that occurs along South Lytle Creek Road is associated with the local watershed tributary to the west of the road which delivers a significant quantity of runoff and the existing drainage facilities along the road, which consist of small earthen ditches / culverts which have very limited hydraulic capacity. The existing watershed areas tributary to the east and offsite of the project were studied in detail as part of the baseline hydrology analysis for the project drainage masterplanning efforts. The results of these studies and the technical data are included in the "Preliminary Master Plan of Drainage & Stormwater Management - Lytle Creek Ranch Project" (PACE, 2007). The three largest tributary streams from the west deliver 461, 397, and 55 acres of offsite natural drainage area which consist almost entirely of natural watershed areas. The estimated 100-year flowrate generated by these watersheds can exceed well over 1,000 cfs and result in localized flooding along South Lytle Creek Road since the existing drainage facilities with ditches and small culverts are designed to convey nuisance flowrates. However, the ultimate drainage patterns for these flows that originate to the west are directed to the east based on the topography and surface drainage patterns, across the proposed development. The following exhibit illustrates the hydrology map for the baseline offsite watershed analysis and the tributary drainage area delineations which provides an understanding of the magnitude of the offsite watershed. The results of the "offsite" baseline hydrology analysis were utilized in order to masterplan future drainage facilities that could intercept the offsite flowrates from the western watershed and deliver them to Lytle Creek where they would naturally discharge. The proposed drainage facilities designed to intercept these flowrates would alleviate the majority of the existing flooding condition associated with the offsite watersheds.



The following exhibit illustrates the proposed drainage facilities that are designed to intercept the flows from the western offsite watersheds. The drianage facilities are deisgned to accommodate the "bulked" flowrates which accounts for the debris and sediment delivered from the watershed. Debris basins could be installed at the enterance or headworks to these facilities, but it was desireable to deliver the sediment to Lytle Creek in order to maintain the natural sediment supply or pre-project sediment volumes to the creek, and also minimize potential maintance operations for seidment removal at a constructed debris basin. The proposed drainage facilities will maintain the natural discharge to the creek without increasing the flowrates since these facilities function to maintain the conveyance of runoff generated for the offsite watersheds to the creek.



Comment (II-1-3): As I mentioned at the scoping meeting, Vulcan is concerned that the project features as proposed in and to Lytle Creek will impact the hydrological regime and biological resources of the

Cajon Creek Conservation Area. Because of this, I requested that the EIR identify and address potential impacts of the proposed Lytle Creek Ranch Specific Plan Project on the downstream Conservation Area. In particular, I requested that hydrological studies assessing these impacts should include Cajon Creek above its confluence with Lytle Creek as well Lytle Creek down to the I-2120/Rail Road crossing. I also recommended that a study should also address the potential changes of habitat in the Conservation Area, especially to habitats used by sensitive species.

Response: **Detailed hydraulic and fluvial studies were conducted as part of the initial planning efforts and impacts assessments for this project which extended approximately one-mile downstream of the Lytle / Cajon Creek confluence. These most recent studies which focus on the current project include "Preliminary Design Report-Revetment Design for Lytle Creek West Development" (PACE, 2009) and "FEMA Submittal Package – conditional Letter of Map Revision (CLOMR) – Lytle Creek Revetment Improvements-Lytle Creek" (PACE, 2008). Detailed hydraulic studies for this portion of the Lytle Creek floodplain have shown that the lower portion of the Lytle Creek is governed / dominated by the constriction from the existing levees at the CEMEX gravel pits. The parallel levees at this point along the creek significantly reduce the width of the channel and this cross section dominates the hydraulic downstream, really ignoring the upstream of this location. The proposed project revetment system downstream of the CEMEX levee will locate the proposed revetment back from the active channel and it will be buried. The active channel has been incised downstream from the CEMEX levees in response to the long term headcut response from the historic gravel mining at the confluence of Cajon Creek. The cause of the channel incision has been studied in detail for many years which has included detailed fluvial analysis and field surveying of the channel thalweg to document the changes and trends in the channel lowering. The most recent hydraulic studies have included both one-dimensional HEC-RAS hydraulic models and two dimensional FLO-2D hydraulic models. The results of these models have indicated that the change to the hydraulic characteristics is minimal, really reflecting the current conditions.**

In summary, the conclusions that we can develop from the detailed hydraulic/fluvial investigations and engineering design program for the flood protection facilities is that (1) the proposed Lytle development flood control facilities have been setback from the existing active channel bank which minimizes direct hydraulic effects on the channel downstream to Vulcan property, (2) hydraulics downstream portion of the channel below the CEMEX levee systems are dominated by the hydraulic effects of the constriction at this location, (3) the incisement and lowering of the channel flowline elevation between CEMEX and Cajon Creek confluence has been dominated by effects from the historic Calmat gravel mining operation. All these features illustrate that the proposed flood control features will have minimal effects on the hydraulics and fluvial stream mechanics to the lower Lytle Creek channel and Cajon Creek.

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Appendix IV-D

PACE May 13, 2010 Technical Memorandum

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PACE
Advanced Water Engineering

Technical Memorandum

Date: May 13, 2010

To: Peter Lewandowski, Environmental Impact Sciences

From: Bruce M. Phillips, P.E.

Re: Discussion of CEMEX Spreading Basins and Groundwater Recharge 8425E

Currently the existing north CEMEX mining pit has the capability to receive diverted flows from Lytle Creek for groundwater recharge at the basin floor through two 36-inch diameter pipelines through the existing revetment system. The pipes were originally installed as part of the revetment construction in 2000. The pipe intakes on the creek side have 36-inch gate valves which provide the ability to control and regulate the amount of water and when diversions occur. However, recharge is not occurring at present, and the north gravel pit is being actively mined. The repair to the south CEMEX levee pit will include the installation of two identical 36-inch pipelines to allow diversion of flow for groundwater recharge similar to the north pit. Diversion pipeline facilities would then be located on both mining pits which provide the capability of groundwater recharge to occur in one pit while mining is occurring in the other pit. These pipes also have a limited maximum flow capacity of approximately 36 cfs/each, which is restricted by the hydraulics of pipeline. This maximum capacity corresponds to the maximum allowable spreading rate (see below, 75 cfs). This maximum hydraulic capacity can also be compared to the flowrates in the creek from different flood events based on the gauge information. The estimated peak discharges for 2-, 5-, 10-, 25-, 50- and 100-year storm events are 620cfs, 2,280 cfs, 4,890 cfs,11,800 cfs, 21,660 cfs, and 38,400 cfs respectively based on the USGS Gage record data. The maximum diverted flowrate of 75-cfs represents 12.1%, 3.3%, 1.5%, 0.6%, 0.3%, and 0.2% respectively of those six storm events

The groundwater recharge in this area is part of the Lytle Creek Water Conservation Association who has historically managed the groundwater resources in this area based on their water rights. The historical recharge which has occurred since the early 1930's does not appear to have resulted in impairment to the biological resources within Lytle Creek. In addition, the amount of flow within Lytle Creek has been historically monitored through a stream gauge operated by the USGS (gage 11062001) that is immediately upstream of the project. 26 years of record were previously analyzed in order to evaluate the amount of water delivered by the watershed and the potential contributions to recharge. The magnitude of the average daily flow during this period based on the gauge information was 83 acre-feet/day (41 cfs) and would yield a total water volume over 26-years of 790,111 acre-feet. The proposed annual recharge water volume to be diverted to the mining pit is 6,300 acre-feet/year. Flow would not be diverted to the mining pits or recharge area until a minimum flowrate in the creek exceeds approximately 158 acre-feet/day (80 cfs), so a significant base flow would always continue downstream within the creek. As an example, the number of days of diversion when flows exceeded 158 acre-feet/day was evaluated from the 26-years of historical stream record and the statistical average of this data indicated water diversion only occur less than 10% of the days in any given year on average. The maximum daily spreading of flow in the recharge basin based on the average percolation rate of 3 feet/day and a basin area of 50 acre-feet would be 150 acre-feet/day (75 cfs). Assuming the maximum discharge of 150 acre-feet/day then it would take approximately 42 days to obtain the allowable spreading volume of 6,300 acre-feet. For comparison purposes, the runoff volume associated with a single 24-hour 100-year storm hydrograph which would result 24,900 acre-feet from the 51.4 square mile watershed. Assuming that a maximum of 150-acre-feet could be diverted during the 24-hour storm event, then this represents only 0.6% of the storm volume.

The groundwater resources are managed very carefully within this portion of Lytle Creek and it is likely that the implementation of the diversion pipe facilities for the southern CEMX gravel mining pit would require the completion of a *Water Control Management Plan.* This plan would provide the procedures to monitor and operate the diversion facilities based on the different water rights and maintenance of minimum base flows within the creek.

In summary, the key points which we can conclude from this discussion is that (1) the diversion facilities in the north and south CEMEX gravel pits are identical and have a limited hydraulic diversion capacity which is small compared to the flowrates delivered by a given storm event, (2) a significant base flow would always be maintained to allow flow to continue downstream before any flow is diverted for recharge, (3) the pits would not be operated simultaneously for recharge and only one of the pits would be utilized for diversion while the other is being actively mined.

PACE

Appendix IV-E

PCR May 17, 2010
Technical Memorandum No. 1

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Technical Memorandum

TO: Peter Lewandowski, Environmental Impact Sciences **DATE:** May 17, 2010
CC:
FROM: Steven G. Nelson, PCR Services Corporation
RE: **EFFECTS OF SURFACE WATER DIVERSION ON DOWNSTREAM BIOLOGICAL RESOURCES**

A concern expressed in the comment letter from the California Department of Fish and Game (Comment Letter I-9) focused on the potential adverse effects on biological resources downstream from the proposed diversion of surface water from the Lytle Creek channel into the south CEMEX pit for the purpose of ground water recharge. Specifically, the concern related to the potential for direct and cumulative adverse impacts to result from reduced instream flows and surface water availability to maintain fish and wildlife habitat within and adjacent to Lytle Creek and the Santa Ana River downstream from the diversion point. A discussion of the potential for such adverse effects to occur follows. These findings are based on a hydrological analysis prepared by PACE Advanced Water Engineering (PACE) as presented in its technical memorandum addressed to you, dated May 13, 2010.

As background, Lytle Creek has been subjected to surface water diversion since at least the early 1900s, and remains so today primarily to support agricultural, suburban and urban land uses in the surrounding area. Under the existing hydrological regime the estimated peak discharges in Lytle Creek for 2-, 5-, 10-, 25-, 50- and 100-year storm event are 620 cubic feet per second (cfs), 2,280 cfs, 4,890 cfs, 11,800 cfs, 21,660 cfs, and 38,499 cfs, respectively. Currently, there are two 36-inch diameter pipelines through the existing revetment system on the north side of the creek channel that were installed as part of revetment construction in 2000. Each pipeline has a 36-inch gate valve at its intake point on the creek side of the revetment. These gate valves provide the ability to control and regulate the amount of water and when diversion occurs. However, diversion and recharge is not occurring in the north pit. At present, the north CEMEX pit is currently being actively mined.

A similar system of two pipelines through the revetment to be repaired with the same pipeline capacities is proposed for the CEMEX pit on the south side of the channel. By duplicating recharge capabilities for the north pit and the south pit, groundwater recharge may occur at one pit while mining is occurring at the other pit. That is, groundwater recharge will not occur at both pits at the same time. According to PACE, the maximum possible capacity in spreading rate to be delivered by the two pipelines on either the north or south side of the channel is 75 cfs. As compared to the peak discharges for 2-, 5-, 10-, 25, 50-, and 100-year storm event, diverted flows would represent 12.1%, 3.3%, 1.5%, 0.6%, 0.3% and 0.2%, respectively. Even at this maximum rate of diversion no marked changes in the downstream hydrologic regime are expected. Therefore, no marked changes in downstream fish and wildlife habitats are expected. Primarily, this is due to three reasons as discussed below.

First, large wash systems such as Lytle Creek are typically dynamic, stochastic systems in the sense that their peak flows are highly variable from year to year and are subject to episodic flood

events. There are years when relatively little surface flow naturally occurs in the channels of the wash; and there are years when storm flows inundate large portions of the wash bed. Downstream biological resources are subject to the same influences. For many years they may be maintained by relatively low flows, while in other years they may be subjected to high storm flows. Thus, the notion that a relatively consistent year to year presence of surface water for miles downstream of the project in Lytle Creek and into the Santa Ana River could be impacted by diversion is simply not the case.

Second, given the reliance of viable downstream fish and wildlife habitats on seasonal flood events, only a fraction of the flows will be diverted during episodic storm events. The maximum either the north pit facilities or the south pit facilities could divert are 75 cfs. Based on the flowrates of surface water during a range of storm events given above, this maximum flow diversion represents between 0.2% and 12.1% of the peak discharge in Lytle Creek. Intuitively, these diversions are far too small to result in any marked change to downstream fish and wildlife habitats within ecological systems that are as dynamic as Lytle Creek and the Santa Ana River are over time.

Third, the proposed recharge program establishes a minimum flowrate in the creek before surface water can be diverted. Flows will not be diverted into one or the other pits for groundwater recharge until flows in the creek exceed approximately 80 cfs. As context, the amount of flow in Lytle Creek immediately upstream from the project site has been monitored at a gauge station for more than 30 years. Using data from 1979 to 2004, the average daily flow during this period was found to be 42 cfs. Thus, using a minimum of approximately 80 cfs before diversion will ensure that a substantial flow would always continue downstream within the creek.

Based on the data and information summarized above indicating only a fractional change in surface water flows downstream from the point of diversion, it is PCR's opinion that no potentially significant effects on downstream fish and wildlife habitats will result from the proposed surface water diversion.

Appendix IV-F

PCR May 18, 2010 Technical Memorandum

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Technical Memorandum

TO: Peter Lewandowski, Environmental Impact Sciences **DATE:** May 18, 2010
CC:
FROM: Steven G. Nelson, PCR Services Corporation
RE: **POTENTIAL BIOLOGICAL IMPACTS FROM CEMEX LEVEE REPAIR**

A concern expressed in the comment letter from the California Department of Fish and Game (Comment Letter I-9) focused on the potential adverse effects on biological resources as a result of the CEMEX levee repair should the LCRSP project need to repair this levee because, for some reason, CEMEX has not completed the levee repair.

As part of the permitting processes undertaken in 2006 and 2007 by CEMEX, PCR and Glenn Lukos Associates (GLA) conducted thorough investigations of biological resources and jurisdictional waters within the disturbance footprint required to repair the CEMEX levee that had been breached in a previous storm event. Beginning in March 2006, it was concluded that no state or federally listed species, including the Santa Ana River woolly star, slender-horned spineflower, coastal California gnatcatcher and San Bernardino kangaroo rat, are known or expected to occur in the vicinity of the levee repair site due to the absence of suitable habitat and primary constituent elements of designated critical habitat for the coastal California gnatcatcher (which has since been removed from the area) and San Bernardino kangaroo rat.

At the time of the field investigations conducted by PCR in 2006, the portion of the levee that has been eroded supported occasional individuals of tree tobacco (*Nicotiana glauca*) and scale broom (*Lepidospartum squamatum*) growing from an otherwise barren vertical face. Just up- and down-stream from the eroded area, the levee faces supported poorly developed patches of California buckwheat (*Eriogonum fasciculatum*) with a maximum height of two feet and scattered barren patches of ground. The wash itself in this area was devoid of vegetation with the exception of scattered colonizers such as blazing star (*Mentzelia laevicaulis*). GLA also conducted a jurisdictional delineation of the levee repair construction footprint and determined that there would be 0.11 acre of permanent impact in non-wetland waters of the U.S., 0.04 acre of temporary impact to non-wetland waters of the U.S., and 1.95 acres of impact to CDFG jurisdiction. The resource agencies agreed with these impact assessments and issued permits or authorizations to CEMEX for these levee repairs.

Additional investigations in 2006 determined that no vegetation existed within the U.S. Army Corps of Engineers (ACOE) jurisdictional limits in the vicinity of the levee repair construction zones. Further, all indications were that no vegetation existed within the ACOE jurisdictional limits on the levee slopes prior to the damage that was inflicted on the levee by the previous storm events.

Based on a field reconnaissance recently conducted at the levee repair construction site by PCR and GLA, the conditions described above have not changed. That is, assuming the levee repair

construction footprint remains the same as that delineated in the previous permits, no direct or indirect impacts, or impacts making a substantial contribution to cumulative impacts will be associated with the levee repair activities. Furthermore, if the impacts resulting from the CEMEX levee repair were to be added to the project's impacts analyzed in the BRA and Draft EIR, none of our conclusions regarding the significance level of those impacts would change, and we believe that the City, as the lead agency, will likewise be able to conclude that none of its findings regarding the level of significance have changed. For clarity, a brief assessment of the topical impacts addressed in the technical Biological Resources Assessment (BRA) follows. Also for clarity, section numbers where these assessments are discussed in the BRA are provided. Reference is also made to the Environmental Impact, as numbered in the Draft EIR, where the assessments of the topical areas appear in the Draft EIR.

4.5 IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

4.5.1 Less than Significant Impacts to Non-Sensitive Plant Communities

The levees themselves support limited stands of disturbed, poorly developed California buckwheat scrub. The incremental addition of impacts to the 40.9 acres of impact to California buckwheat scrub assessed in the BRA, which is *de minimis*, will remain less than significant. (Draft EIR, *Environmental Impact 5-1*).

4.5.Less than Significant Impacts to Common Plant Species

The loss of additional area of common plant species is judged to be incrementally small, particularly considering the sparse vegetation coverage within the levee repair construction footprint. Therefore, this finding in the BRA does not change. (Draft EIR *Environmental Impact 5-2*).

4.5.3 Less than Significant Impact to Common Wildlife Species

The loss of additional common wildlife species is judged to be incrementally small, particularly considering the poor, low value habitat that will be effected by the levee repair. Therefore, this finding in the BRA does not change. (Draft EIR *Environmental Impact 5-3*).

4.5.4 Less than Significant Impacts to Nesting Birds

Due to the sparse and poorly developed vegetation within the construction footprint, opportunities for nesting birds is highly limited. In combination with project design features to ensure the protection of active nests and *Mitigation Measure 5-5* (Nesting Birds) in the Draft EIR, no additional or unavoidable impacts are expected, and this potential impact remains less than significant.

4.5.5 Less than Significant Impacts to Wildlife Movement

As the levee repair will not narrow the opportunities for wildlife movement through the area, this potential impact will remain less than significant. (Draft EIR *Environmental Impact 5-5*).

4.5.6 Less than Significant Impacts to Sensitive Biological Resources

With the exception of a very small area of pioneer stage alluvial fan sage scrub (which is addressed below), there are no sensitive plant communities present within the levee repair construction footprint. Similarly, no habitat suitable to support sensitive plant and wildlife species is found within the construction footprint. Therefore, the assessment of potential impacts to sensitive biological resources, as presented and discussed in the BRA, remain unchanged. (Draft EIR *Environmental Impact 5-6*).

4.6 IMPACTS FOUND TO BE POTENTIALLY SIGNIFICANT

4.6.1 Potentially Significant Impacts to Sensitive Plant Communities

The levee repair construction will result in an incremental addition to impacts to pioneer stage alluvial fan sage scrub. However, these impacts will be temporary and the disturbed area of the active wash bed is expected to fully recover after construction under natural fluvial processes. Notwithstanding, the impacts to sensitive alluvial fan sage scrub will remain potentially significant. (Draft EIR *Environmental Impact 5-1*). However, the implementation of *Mitigation Measure 5-1* (Riversidean alluvial fan sage scrub) will still result in the impact having been mitigated to a level below significance.

4.6.2 Potentially Significant Impacts to Sensitive Wildlife Species

Based on a habitat evaluation, there are no habitats within the repair construction footprint that are suitable to support sensitive wildlife species. Therefore, no additional impacts are expected to the species discussed under this heading in the BRA. (Draft EIR *Environmental Impact 5-7*).

5.1 CUMULATIVE IMPACTS

5.1.1-5.1.7 Less than Significant Impacts

The levee repair component of the project is considered to be an incrementally small and temporary addition to the consideration of cumulative impacts. As a result of the extremely small addition and/or the absence of habitat capable of supporting sensitive species of plants and wildlife, cumulative impacts to Riversidean Sage Scrub, Wildlife Movement, Grassland-Dependent Sensitive Wildlife Species, Scrub, Chaparral, and Riparian-Dependent Sensitive Wildlife Species, Least Bell's

Vireo, Los Angeles Pocket Mouse Habitat, and Raptor Foraging Habitat will remain less than significant. (Draft EIR *Environmental Impact 5-10*).

5.2.1-5.2.2 Potentially Significant Impacts

Potentially significant Impacts to Riversidean alluvial fan sage scrub and San Bernardino Kangaroo Rat will remain potentially significant. Moreover, the levee repair component of the project will contribute to only a fractionally small amount of additional impact to Riversidean alluvial fan sage scrub, and will not contribute any additional impacts to impacts to San Bernardino kangaroo rat. (Draft EIR *Environmental Impact 5-10*). Draft EIR *Mitigation Measure 5-1* will still reduce the cumulative impact on alluvial fan sage scrub to a level below significance.

The Draft EIR Biological Resources section also separated out potential impacts from Invasive Plant Species (Draft EIR *Environmental Impact 5-8*) and potential impacts from Indirect or Secondary Effects (Draft EIR *Environmental Impact 5-9*). In both cases, the levee repair construction will not result in landscaping that could include invasive species, or human habitation that could introduce pets, human noise, night lighting, etc. as potential operational impacts. Therefore, operationally, there are no additional impacts to be considered and the impact remains potentially significant unless mitigation is incorporated. However, we note that the Draft EIR proposes mitigation measures to reduce potential impacts to below a level of significance. Finally, the Draft EIR Biological Resources section included potential impacts to jurisdictional drainage features (Draft EIR *Environmental Impact 5-4*). Based on verification by GLA that conditions have not changed, and assuming the footprint of the levee repair construction does not change, an additional 0.11 acre of permanent impact and 0.04 acre of temporary impact to non-wetland waters of the U.S., and 1.95 acres of permanent impact to State jurisdictional waters would result (Comm. with Martin Rasnick of GLA, May 17, 2010). In the context of the overall project, increase in impacts to jurisdictional areas will be 0.19%, 0.15%, and 2.1% for permanent impacts to U.S. non-wetland waters, temporary impacts to U.S. non-wetlands waters, and CDFG jurisdictional streambed, respectively. These fractions of increase do not change the finding in the Draft EIR that impacts to jurisdictional features are potentially significant unless mitigation is provided. *Mitigation Measure 5-3* (Jurisdictional Waters) of the Draft EIR will still reduce potentially significant impacts to a level below significance.

In conclusion, the levee repair component would not result in any new impacts that would cause any changes to the significance findings of the BRA or Draft EIR or require any change to existing biological mitigation measures..

Appendix IV-G

PACE May 17, 2010
Section 4.3.4 Errata Sheet

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PACE
Advanced Water Engineering

Errata Sheet

"Preliminary Master Plan of Drainage and Stormwater Management – Lytle Creek Ranch Project"

May 17, 2010

Section 4.3.4 text of the report should be deleted and replaced with the following text:

Two existing underground high pressure gas pipelines currently traverse the property within an easement held by the Southern California Gas Company within portions of Neighborhood I and an off-site County parcel to the immediate north of Neighborhood I. The pipeline parallels the southerly side of the I-15 freeway where there is an existing earthen roadway within the easement used for access and maintenance by the Gas Company. Sycamore Creek crosses the I-15 freeway through a series of culverts from the Sycamore Flats area and continues south in several natural drainage paths where it intersects the pipeline easement. The existing Sycamore Creek crosses over the surface of the existing earthen roadway. The existing roadway has historically experienced significant erosion from the creek crossing since there are no protective drainage improvements which result in unconfined flows over the roadway. This erosion is occurring without any development upstream and is the result of natural drainage from the upstream tributary Sycamore Creek watershed. There are concerns that the erosion could potentially expose the pipeline and also make the access to the pipeline for inspection virtually impassable. In order to address the erosion of the roadway and protect the pipelines from being exposed due to erosion, Southern California Gas Company has identified a potential solution, independent of and not included in the Lytle Ranch Project, in order to proactively address the current and future erosion protection problems for their pipeline. Southern California Gas Company's solution is illustrated on Figure 20 and basically allows the flow to continue to pass over the roadway by utilizing an "overpour" structure, minimizing the amount of disturbance and drainage improvements, while protecting the roadway from erosion. A portion of the earthen roadway would be resurfaced with a soil cement section that would serve as a hardened cap and provide a drivable roadway surface. Southern California Gas Company's possible solution maintains the natural drainage patterns and minimizes the amount of potential future maintenance requirements compared to installation of culverts through the roadway.

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Appendix IV-H

GLA May 11, 2010 Technical Memorandum

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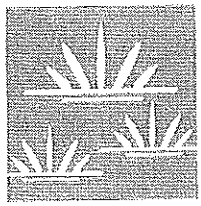
GLENN LUKOS ASSOCIATES
Regulatory Services



May 11, 2010

Mr. Peter Lewandowski
Environmental Impact Sciences
26051 Via Concha
Mission Viejo, California 92691-5614

SUBJECT: Lytle Creek Ranch Project; Located in the City of Rialto and Unincorporated San Bernardino County, California: Response to California Department of Fish and Game Comment Letter.

Dear Mr. Lewandowski:

Glenn Lukos Associates (GLA) has reviewed the California Department of Fish and Game's (CDFG) comment letter regarding the Lytle Creek Ranch Specific Plan Draft Environmental Impact Report (DEIR), State Clearinghouse Number 2009061113, associated with the Lytle Creek Ranch Project located in the City of Rialto and unincorporated San Bernardino County, California. As it relates to questions or comments regarding CDFG jurisdiction, there is one comment, Comment 28, which specifically addresses CDFG questions regarding our delineation.

Comment 28 is as follows:

"The jurisdictional delineation maps in the DEIR reflect only active channel and do not include the entire State jurisdictional waters, the DEIR should also include an accurate State jurisdictional map to quantify the project impacts to State waters."

With regard to comment 28, please be advised that Section 1602(a) of the California Fish and Game Code states as follows:

"An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake..."

GLA's delineation, dated February 8, 2008, and revised on April 20, 2009, considered and mapped the jurisdictional limits of State waters that are potentially subject to the CDFG's jurisdiction under Section 1602 of the Fish and Game Code. These drainage features were

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considered either rivers or streams, as no lakes were present. The drainage features supported bed, bank, channel and, in some cases, vegetated riparian habitat within, or adjacent to, a river or stream supporting bed, bank, and channel, all of which would be regulated pursuant to Section 1602 of the Fish and Game Code.

Please note that GLA has mapped the "active channel" of Lytle Creek and its tributaries; however, as depicted in the graphics contained within the jurisdictional delineation report for Neighborhoods I, II, III, and IV, GLA also mapped and identified all drainage features that would be considered CDFG jurisdiction due to the presence of a defined bed, bank, channel, and vegetated riparian habitat. These features include braids to the "active channel" within the Lytle Creek alluvial fan system that contained a defined bed, bank, and channel (but were not part of the "active channel" itself) that would be regulated pursuant to Section 1602 of the Fish and Game Code. GLA also mapped and identified tributaries to Lytle Creek, settling basins, water quality basins, and vegetated riparian habitat.

The delineation did not include as "jurisdictional" non-jurisdictional swales in uplands that did not support a defined bed, bank, or channel, or non-jurisdictional remnant alluvial fan areas in uplands that have been hydrologically cut off from Lytle Creek through construction of existing approved levees and/or berms that control the 100-year flood. These remnant alluvial fan areas do not, or no longer, support a defined bed, bank, or channel, and do not support aquatic resources; therefore, these swales and remnant alluvial fan features should not be considered as "State jurisdictional waters" regulated by the CDFG under Section 1602 of the Fish and Game Code.

GLA has extensive experience conducting jurisdictional delineations of "State jurisdictional waters" in California. GLA has been conducting delineations of State jurisdictional waters for 21 years since the company's formation in 1989. Delineations are conducted by some of the most respected, experienced biologists and regulatory specialists in the field, including individuals with over 25 to 30 years of experience identifying sensitive native plant communities and streambeds. GLA's biologists also hold faculty positions at local colleges and universities, such as California State University, Fullerton, Mount San Antonio College, and Irvine Valley College, and instruct current and prospective college students in the environmental and biological sciences, including the identification of wetlands and conducting state and federal jurisdictional delineations. GLA's biologists are often asked to be "expert witnesses" in legal proceedings regarding the limits of State jurisdictional waters. Additionally, GLA's biologists and regulatory specialists have worked closely with the CDFG for over 21 years and secured hundreds of Section 1602 (formerly Sections 1601 and 1603) Streambed Alteration Agreements.

If you have any further questions regarding the above information, please contact me at (949) 837-0404, Extension 20.

Sincerely,

GLENN LUKOS ASSOCIATES

Martin A. Rasnick
Senior Regulatory Specialist

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Appendix IV-I

PCR May 2010
Technical Memorandum

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AIR QUALITY ASSESSMENT TECHNICAL REPORT
Localized Operational Analysis

Lytle Creek Ranch Specific Plan
San Bernardino County

Prepared by:

PCR SERVICES CORPORATION

May 2010

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APPENDIX B: ISCST3 OUTPUT FILE (PROVIDED ELECTRONICALLY)

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1.0 AIR QUALITY ASSESSMENT: LOCALIZED OPERATIONAL ANALYSIS

This air quality assessment analyzes potential operational localized impacts associated with the Lytle Creek Ranch Specific Plan (Project), located within the City of Rialto and County of San Bernardino in California, based on the South Coast Air Quality Management District (SCAQMD) localized significance thresholds (LSTs). This assessment provides additional information related to the Final Environmental Impact Report (EIR) for the Project. See the Draft EIR for more information about the Project and the analysis of air quality impacts.

1.1. SIGNIFICANCE THRESHOLDS

The SCAQMD LST guidance provides methodology to determine whether or not a project will cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. The thresholds are developed based on ambient concentrations of that pollutant specific to each source receptor area (SRA) throughout the South Coast Air Basin (SoCAB). The Project site is located in SRA 34.

The Project is considered to have a significant impact on localized air quality if any of the following occurs: [1,2]

- Localized concentrations (Project + ambient) of NO_2 exceed 339 ug/m3 (0.18ppm), one-hour average,
- Localized concentrations of NO_2 exceed 57 ug/m3 (0.03 ppm), annual average
- Localized concentrations of CO exceed 23 mg/m3 (20 ppm), one-hour average,
- Localized concentrations of CO exceed 7 mg/m3 (9 ppm), eight-hour average,
- Project contributions to localized concentrations of PM_{10} exceed 2.5 micrograms per cubic meter (ug/m^3), 24-hour average
- Project contributions to localized concentrations of $PM_{2.5}$ exceed 2.5 ug/m^3, 24-hour average

There are no large industrial sources (power plants, oil refineries, heavy manufacturing, etc.) contemplated within the Project. Within a suburban setting, such as the Project, vehicle exhaust is the primary source of CO. Consequently, the highest CO concentrations are generally found within close proximity to congested intersection locations. Under typical meteorological conditions, CO concentrations tend to decrease as distance from the emissions source (i.e., congested intersection) increase. For purposes of providing a conservative, impact analysis, CO concentrations are typically analyzed at congested intersection locations, because if impacts are less than significant in close proximity of the congested intersections, impacts will also be less than significant at more distant sensitive receptor locations.

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1 *South Coast Air Quality Management District, CEQA Air Quality Handbook, Chapter 6 (Determining the Air Quality Significance of a Project), 1993.*

2 *South Coast Air Quality Management District, Final-Methodology to Calculate Particulate Matter (PM) 2.5 and PM 2.5 Significance Thresholds, 2008.*

Previous air quality studies performed for the Project assessed potential impacts from on-road mobile sources of CO. The results of these studies were presented in the DEIR. Restaurants with drive through lanes can contribute to high localized CO emissions, due to lengthy queues of idling cars. However, according to Table 5-1 of the Draft Specific Plan, restaurants with drive through lanes require a conditional development permit, and are not being analyzed in this study. Therefore, this localized study will focus on on-site emissions of NOx, PM_{10}, and $PM_{2.5}$ and the potential impact to sensitive receptors.

1.2 EMISSION AND IMPACT METHODOLOGIES

Although the Project would consist mostly of residential uses, there will be 849,420 square feet of retail and service-oriented commercial uses. While the Project site comprises 2,447.3 acres, it is divided into four neighborhoods and within each neighborhood, there are designated Planning Areas (PAs). The retail/commercial areas are designed as "Village Commercial" PAs.

Commercial operations may generate a substantial amount of passenger vehicle trips, delivery truck trips, including truck refrigeration units (TRUs), and large stationary sources (potentially such as boilers at hotels and hospitals). SCAQMD's LST methodology is focused on the potential impact to nearby sensitive land uses from these types of on-site emissions. The SCAQMD has prepared look-up tables which, for specific combinations of project size and source-receptor distance, provides an emissions level below which off-site concentrations would not exceed applicable significance thresholds. This methodology is only applicable to sites at or below 5 acres.

For sites larger than 5 acres, dispersion modeling must be performed using the Industrial Source Complex (ISCST3) model, a methodology that is consistent with the procedures outlined in the SCAQMD *Localized Significance Threshold Methodology for CEQA Evaluations* guidance document. However, detailed information needed for dispersion modeling for this Project is not known at this time. Therefore, this study developed and modeled a generic "worst case" commercial site based on reasonable but conservative assumptions consistent with the Project zoning and permitted uses within the Village Center designation intended to maximize localized air quality impacts to evaluate whether the Project could have an operational LST impact. Given the conservative nature of this worst-case scenario, it is expected that actual Project impacts would be lower. This hypothetical worst-case Village Commercial (VC) site was assumed to be a 6-acre rectangle, bounded on one side by a public street and on three sides by sensitive (residential) land uses, similar to PA 40 and 41 only in conceptual proportions and orientation. While larger sites will have greater total emissions, the emissions in URBEMIS are proportional to the total square footage developed and spread throughout the area within the dispersion model; therefore, impacts would be similar to or less than those modeled for the worst-case 6-acre site. Upon review of the Conceptual Land Use Plan (Figure 3-1 of the DEIR), these larger sites are expected to result in lower emissions and impacts as compared to those modeled for the worst-case scenario due in part to their adjacency to non-sensitive uses. For example, PA 33, which is 24.1 acres with an expected 230,955 square feet of commercial use, is buffered from nearby potential residential uses by PAs 32 and 34 which are Southern California Edison (SCE) right-of-ways, and PA 78 at 43.3 acres and 355,324 square feet, is bound on only one short side by residential uses. These site characteristics have the effect of reducing operational LST impacts, which are based on local ambient concentrations. After consideration of these factors, the modeled 6-acre site represents a reasonable worst-case scenario for purposes of analyzing LST impacts for the EIR.

On-site emissions from stationary sources and personal vehicle trip rates for the worst case 6-acre site were developed using URBEMIS default values, based on the worst-case assumption of permitted end-use in the Village Commercial designation. Trip generation rates for personal vehicles used for this analysis are intentionally conservative (higher than those predicted in a refined traffic analysis) to provide a worst case analysis and may not directly correlate to trip rates presented or discussed elsewhere in the EIR, which represents a conservative and reasonable approach for purposes of analyzing LST impacts for the EIR.

Heavy duty diesel trucks ("trucks") can be major contributors to localized NOx, PM_{10} and $PM_{2.5}$ emissions, and on-site driving and idling were included. This analysis assumes 100 trucks per day,[3] a conservative assumption considering the type of retail uses permitted with the Village Commercial designation.[4] Because idling is prohibited in excess of 5 continuous minutes, the modeling assumed 10 minutes of idling per truck (5 minutes each for arrival and departure).[5] In addition, one quarter (25%) of the trucks conducting business at these Village Commercial sites were assumed to be equipped with TRUs (needed for perishable loads) and would be running for one hour per load. These assumptions for TRUs are reasonable because the type of retail uses permitted in the Village Commercial designation do not usually require even 25% of truck trips to be TRUs and one hour of running time should be more than adequate for loading/unloading associated with the Village Commercial retail uses .

On-site vehicle travel includes both trucks for deliveries and light duty auto/trucks for visitors. Emissions from vehicle travel were calculated using EMFAC2007, including engine exhaust, brake dust, and tire wear. Emissions from TRUs were calculated using OFFROAD2007. On-site area sources including natural gas combustion and landscaping emissions were calculated using URBEMIS2007. The dispersion modeling was conducted with line (volume) sources representing heavy duty truck and light duty auto travel along the perimeter of the site and single volume sources representing idle and TRU emissions were placed at the edge of each planning area closest to residential uses with a 50 foot separation to account for setback requirements. Area source emissions including natural gas combustion was also included as a single volume source in the center of the Project site.[6] Emissions were calculated based on daily trip generation rates and conservatively modeled based on an 8-hour workday, representing actual operating hours. Emissions

[3] For a 6-acre site with a 1.5 Floor to Area Ratio, a maximum of 390 KSF of building area would be allowed. Based on standard ITE trip generation rates for retail uses and URBEMIS/CARB default fleet mix, this would result in approximately 300 heavy duty truck trips per day. However, 300 heavy duty truck trips per day would not be realistic for a 6-acre retail site based on the amount of open space available for truck ingress and egress. In addition, industrial and warehousing uses, which typically generate a large number of truck trips, are not permitting within the Village Center designation. The CARB Land Use Handbook (2005) and AQMD guidelines recommend analysis for land uses which may generate more than 100 heavy duty truck trips per day. The analysis therefore assumes 100 truck trips per day is likely conservative for this analysis because the type of retail uses permitted by the Village Commercial designation are expected to require fewer than 100 truck trips per day for delivery and service purposes.

[4] The Village Commercial designation conditionally permits certain uses that may generate higher air quality emissions than the permitted uses (e.g., certain industrial warehouse uses). If these conditionally permitted uses are proposed in the future, the proposed development would be subject to subsequent environmental review to ensure that impacts are analyzed and mitigated to the maximum extent feasible, as required by the California Environmental Quality Act. As a result, impacts associated with such conditionally permitted uses are not analyzed in the Project EIR.

[5] **Title 13, California Code of Regulations, Section 2485 *et seq.***

[6] Locating area source emissions as a single volume source in the center of the Project site is a reasonable assumption for purposes of this analysis. Since final building configuration is not yet determined, sources placed in a central location would account for a wide range of possible configurations and adequately assess pollutant dispersion from all wind angles, consistent with the SCAQMD LST methodology.

spread out over a 24-hour period would not be representative of actual operating conditions and would not represent worst-case impacts. Meteorological data was obtained from the SCAQMD Fontana station which is the closest to the Project site. Elevation data was obtained from the USGS Seamless Server. Additional details and calculations are provided in Appendix A of this report.

1.3 RESULTS OF LOCALIZED IMPACT ASSESSMENTS

As shown in **Table 1** *Localized Operational Impacts as Analyzed with Dispersion Modeling,* localized NO_2, PM_{10} and $PM_{2.5}$ concentrations are below the SCAQMD LST Operational Significance thresholds. As a result, NO_2, PM_{10} and $PM_{2.5}$ localized operational emissions would result in a less than significant impact.

Table 1

Localized Operational Impacts as Analyzed with Dispersion Modeling[a]

Pollutant and Averaging Period	Maximum Concentration (ug/m^3)
PM_{10} (24-hr)	
Project Incremental Concentration	2.4
LST Threshold[b]	2.5
Over/(Under)	(0.1)
Exceed Threshold?	**No**
PM_{10} (Annual)	
Project Incremental Concentration	0.8
LST Threshold[b]	1
Over/(Under)	(0.2)
Exceed Threshold?	**No**
$PM_{2.5}$ (24-hr)	
Project Incremental Concentration	2.3
LST Threshold[b]	2.5
Over/(Under)	(0.2)
Exceed Threshold?	**No**
$PM_{2.5}$ (Annual)	
Project Incremental Concentration	0.8
LST Threshold	1
Over/(Under)	(0.2)
Exceed Threshold?	**No**
NO_2 (1-hr)[c]	
Project Incremental Concentration	66.2
LST Threshold[b]	169.8
Over/(Under)	(103.6)
Exceed Threshold?	**No**
NO_2 (Annual)[c]	
Project Incremental Concentration	3.0
LST Threshold[b]	9.6
Over/(Under)	(6.6)
Exceed Threshold?	**No**

[a] *SCAQMD Final Localized Significance Threshold Methodology, June 2003.*

[b] *Thresholds for NO_2 are based on ambient monitoring data and allowable project increase. Annual and 1-hr NO_2 concentrations are based on the maximum concentrations during the 2006-2008 monitoring period for SRA No. 34 (San Bernardino)*

[c] *Assumes a 10% NOx-NO_2 conversion ratio.*

Source: PCR Services Corporation, 2010

To efficiently represent the numerous potential Planning Areas equal to or less than 5 acres zoned as Village Commercial, the URBEMIS2007 model was run to calculate the potential worst-case on-site emissions of NOx, PM_{10} and $PM_{2.5}$ from hypothetical, worst case 2-acre and 5-acre sites, which are based on reasonable but conservative assumptions. The results are compared to the applicable LST look-up values for receptors at 25 meters (the shortest source-receptor distance suggested by the SCAQMD methodology) to represent residences adjacent to commercial development, accounting for appropriate set-backs. Vehicle trip generation for personal vehicles is based on default values within URBEMIS based on the type of development proposed and the square footage of the building(s).[7] There are assumed to be 50 and 100 truck trips per day for the 2-acre and 5-acre sites, respectively.[8] This study selected the worst-case type of commercial development from the list of proposed permitted end-uses to represent the maximum impact for purposes of this LST analysis, and is not necessarily reflective of a specific planning area or the end use ultimately built upon it.

As shown in **Table 2**, *Localized Operational Impacts as Analyzed with LST Lookup Values,* LST thresholds for NOx, PM_{10} and $PM_{2.5}$ are not exceeded for a 2-acre or 5-acre site. Thus, impacts associated with the worst case 2- and 5-acre sites would be less than significant.

[7] Trip generation rates for personal vehicles used for these localized analyses are intentionally conservative (higher than those predicted in a refined traffic analysis) to provide a worst case analysis, and may not directly correlate to trip rates presented or discussed elsewhere in the EIR, which represents a conservative and reasonable approach for purposes of analyzing LST impacts for the EIR.

[8] The analysis conservatively assumed 50 and 100 truck trips for the 2-acre and 5-acre sites, respectively, because the type of retail uses permitted within the Village Center commercial designation are expected to need fewer than 50 and 100 trucks per day for the 2-acre and 5-acre sites, respectively, for delivery and service purposes. See also footnote 3.

Table 2

Localized Operational Impacts as Analyzed with LST Lookup Values[a]

Pollutant and Averaging Period	1-hr NO_x	24-hr PM_{10}	24-hr $PM_{2.5}$
Parameter			
2-acre site			
Localized Operational Emissions (lbs/day)	3.90	0.38	0.34
LST Lookup Threshold (lbs/day)[b]	170	2	1
Over/(Under)	(166.1)	(1.62)	(0.66)
Exceed Threshold / Significant?	**No**	**No**	**No**
5-acre site			
Localized Operational Emissions (lbs/day)	8.63	0.65	0.58
LST Lookup Threshold (lbs/day)[b]	270	4	2
Over/(Under)	(261.37)	(3.35)	(1.42)
Exceed Threshold / Significant?	**No**	**No**	**No**

[a] *SCAQMD Final Localized Significance Threshold Methodology, June 2003.*
[b] *SCAQMD LST Lookup Thresholds. SRA 34, 25 meter receptor distance*

Source: PCR Services Corporation, 2010.

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APPENDIX A
AIR QUALITY WORKSHEETS AND OUTPUT FILES

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Lytle Creek Ranch
Localized Truck Emissions Analysis- NOx

EMFAC2007 Output - San Bernardino County, Year 2010

Pollutant Name: Oxides of Nitrogen Temperature: 60F Relative Humidity: 50%

MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	5.133	95.828	0.000	0.000	9.528
5	0.368	0.732	1.176	32.112	13.365	1.157	3.534
10	0.322	0.632	1.015	22.446	10.718	1.163	2.568
15	0.288	0.559	0.902	16.490	9.063	1.177	1.964
20	0.262	0.506	0.823	14.181	8.045	1.199	1.712
25	0.244	0.468	0.771	13.539	7.459	1.226	1.625
30	0.231	0.442	0.739	13.058	7.194	1.258	1.563
35	0.222	0.425	0.724	12.732	7.192	1.295	1.523
40	0.217	0.418	0.727	12.560	7.440	1.337	1.503
45	0.217	0.418	0.745	12.546	7.963	1.382	1.505
50	0.219	0.427	0.782	12.696	8.831	1.432	1.529
55	0.226	0.445	0.840	13.025	10.178	1.487	1.577
60	0.236	0.472	0.926	13.557	12.242	1.547	1.654
65	0.251	0.513	1.05	14.327	15.439	1.613	1.765

Truck Emissions	Heavy Duty Trucks	Personal Vehicles	Total
Trucks per Day	100	16,834	
Site Area (acres)	6		
Distance Travelled On-Site (mi)[a]	0.62	0.06	
Total On-Site VMT (mi)	62.1	1046.0	
Travel Speed (mph)	5	5	
Emission Factor (g/mi)[b]	32.11	0.55	
Travel Emissions (g/day)	1995.3	575.3	
Travel Emissions (g/s)	0.069	0.020	0.089
Idle Time per Truck (min)	10		
Idle Emissions (g/hr)[b]	95.828		
Idle Emissions (g/min)	1.597		
Idle Emissions (g/day)	1597.133		
Idle Emissions (g/s)	0.055		
TRU Emissions (g/s)[b]	0.027		
Stationary Emissions (g/s)	0.060		
Total Idle Emissions (g/s)	0.142		

[a]Assumes heavy duty trucks travel along perimeter of the site. Light duty auto travels from edge of site to middle (parking). Assumptions are reasonable given the type of retail use permitted within the Village Commercial designation, and the distances associated with vehicle travel in the analyzed site.

[b] Emission factors based on EMFAC2007 and OFFROAD2007 modeling defaults for San Bernardino County, Year 2010.

[c] Daytime operating hours are assumed to be 8-hours per day, which is a reasonable assumption because of the type of retail use permitted within the Village Center Commercial designation. This assumption conservatively concentrates the daily emissions over an 8-hour period.

Lytle Creek Ranch
Localized Truck Emissions Analysis- PM10

EMFAC2007 Output - San Bernardino County, Year 2009

Pollutant Name: PM10 **Temperature: 60F Relative Humidity: 50%**

MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0	0	0.054	1.52	0	0	0.147
5	0.057	0.111	0.101	2	0.359	0.052	0.259
10	0.037	0.073	0.067	1.369	0.257	0.041	0.175
15	0.026	0.05	0.047	0.908	0.19	0.034	0.118
20	0.019	0.037	0.034	0.642	0.146	0.029	0.084
25	0.014	0.028	0.027	0.539	0.117	0.026	0.069
30	0.012	0.023	0.021	0.462	0.097	0.025	0.058
35	0.01	0.019	0.018	0.411	0.083	0.025	0.051
40	0.009	0.017	0.016	0.386	0.074	0.026	0.047
45	0.008	0.016	0.015	0.386	0.068	0.028	0.047
50	0.008	0.016	0.015	0.41	0.065	0.031	0.049
55	0.008	0.017	0.015	0.46	0.064	0.037	0.054
60	0.009	0.018	0.016	0.535	0.066	0.047	0.062
65	0.011	0.021	0.018	0.634	0.07	0.061	0.073

Pollutant Name: PM10 (Tire and Brake Wear) **Temperature: 60F Relative Humidity: 50%**

MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
5 (Tire Wear)	0.008	0.008	0.009	0.03	0.011	0.004	0.01
5 (Brake Wear)	0.013	0.013	0.013	0.025	0.013	0.006	0.014
Total	0.021	0.021	0.022	0.055	0.024	0.01	0.024

Truck Emissions	Heavy Duty Trucks	Personal Vehicles	Total
Trucks per Day	100	16,834	
Site Area (acres)	6		
Distance Travelled On-Site (mi)[a]	0.621	0.062	
Total On-Site VMT (mi)	62.1	1046.0	
Travel Speed (mph)	5	5	
Emission Factor (g/mi)[b]	2.06	0.11	
Travel Emissions (g/day)	127.7	109.8	
Travel Emissions (g/s)	0.004	0.004	0.00825
Idle Time per Truck (min)	10		
Idle Emissions (g/hr)[b]	1.52		
Idle Emissions (g/min)	0.025		
Idle Emissions (g/day)	25.333		
Idle Emissions (g/s)	0.0009		
TRU Emissions (g/s)[b]	0.0014		
Stationary Emissions (g/s)	0.0003		
Total Idle Emissions (g/s)	0.0026		

[a]Assumes heavy duty trucks travel along perimeter of the site. Light duty auto travels from edge of site to middle (parking). Assumptions are reasonable given the type of retail use permitted within the Village Commercial designation, and the distances associated with vehicle travel in the analyzed site.

[b] Emission factors based on EMFAC2007 and OFFROAD2007 modeling defaults for San Bernardino County, Year 2010.

[c] Daytime operating hours are assumed to be 8-hours per day, which is a reasonable assumption because of the type of retail use permitted within the Village Center Commercial designation. This assumption conservatively concentrates the daily emissions over an 8-hour period.

Lytle Creek Ranch
Localized Truck Emissions Analysis- PM2.5

EMFAC2007 Output - San Bernardino County, Year 2009

Pollutant Name: PM2.5 Temperature: 60F Relative Humidity: 50%

MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0	0	0.049	1.398	0	0	0.136
5	0.053	0.102	0.093	1.84	0.331	0.04	0.238
10	0.035	0.067	0.062	1.259	0.236	0.031	0.161
15	0.024	0.047	0.043	0.836	0.175	0.026	0.108
20	0.017	0.034	0.032	0.591	0.135	0.022	0.077
25	0.013	0.026	0.025	0.496	0.108	0.02	0.063
30	0.011	0.021	0.02	0.425	0.089	0.019	0.053
35	0.009	0.018	0.017	0.378	0.076	0.019	0.047
40	0.008	0.016	0.015	0.355	0.068	0.019	0.044
45	0.008	0.015	0.014	0.355	0.063	0.021	0.043
50	0.007	0.015	0.014	0.378	0.06	0.024	0.045
55	0.008	0.015	0.014	0.423	0.059	0.028	0.049
60	0.009	0.017	0.015	0.492	0.061	0.035	0.057
65	0.01	0.019	0.017	0.583	0.065	0.046	0.067

Pollutant Name: PM10 (Tire and Brake Wear) Temperature: 60F Relative Humidity: 50%

MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
5 (Tire Wear)	0.002	0.002	0.002	0.008	0.003	0.001	0.003
5 (Brake Wear)	0.005	0.005	0.005	0.011	0.005	0.003	0.006
Total	0.007	0.007	0.007	0.019	0.008	0.004	0.009

Truck Emissions	Heavy Duty Trucks	Personal Vehicles	Total
Trucks per Day	100	16,834	
Site Area (acres)	6		
Distance Travelled On-Site (mi)[a]	0.62	0.06	
Total On-Site VMT (mi)	62.1	1046.0	
Travel Speed (mph)	5	5	
Emission Factor (g/mi)[b]	1.86	0.08	
Travel Emissions (g/day)	115.5	88.4	
Travel Emissions (g/s)	0.004	0.003	0.00708
Idle Time per Truck (min)	10		
Idle Emissions (g/hr)[b]	1.398		
Idle Emissions (g/min)	0.023		
Idle Emissions (g/day)	23.300		
Idle Emissions (g/s)	0.00081		
TRU Emissions (g/s)[b]	0.00139		
Stationary Emissions (g/s)	0.00031		
Total Idle Emissions (g/s)	0.00251		

[a]Assumes heavy duty trucks travel along perimeter of the site. Light duty auto travels from edge of site to middle (parking). Assumptions are reasonable given the type of retail use permitted within the Village Commercial designation, and the distances associated with vehicle travel in the analyzed site.

[b] Emission factors based on EMFAC2007 and OFFROAD2007 modeling defaults for San Bernardino County, Year 2010.

[c] Daytime operating hours are assumed to be 8-hours per day, which is a reasonable assumption because of the type of retail use permitted within the Village Center Commercial designation. This assumption conservatively concentrates the daily emissions over an 8-hour period.

Lytle Creek Ranch Specific Plan - Transportation Refrigeration Unit Emissions

OFFROAD2007 Output - TRUs, San Bernardino County, Year 2010

	CY	2010	2010	2010
	Season	Annual	Annual	Annual
	AvgDays	Mon-Sun	Mon-Sun	Mon-Sun
	Code	2270009005	2270009005	2270009005
	Equipment	Transport Refrigeration Units	Transport Refrigeration Units	Transport Refrigeration Units
	Fuel	D	D	D
	MaxHP	15	25	50
	Class	Transport Refrigeration Units	Transport Refrigeration Units	Transport Refrigeration Units
	C/R	U	U	U
	Pre	N	N	N
	Hand	NHH	NHH	NHH
	Port	NP	NP	NP
	County	Total	Total	Total
	Air Basin	Total	Total	Total
	Air Dist.	Total	Total	Total
	Population	7.18E+01	2.61E+01	5.26E+02
	Activity	2.04E+02	7.42E+01	2.12E+03
	Consumption	7.49E+01	4.61E+01	2.53E+03
	ROG Exhaust	9.50E-04	6.37E-04	6.52E-02
	CO Exhaust	5.04E-03	2.13E-03	2.54E-01
	NOX Exhaust	6.68E-03	4.17E-03	2.58E-01
tons/day	CO2 Exhaust	8.20E-01	5.06E-01	2.74E+01
	SO2 Exhaust	1.04E-05	6.42E-06	3.54E-04
	PM Exhaust	3.75E-04	2.18E-04	2.05E-02
	N2O Exhaust	0.00E+00	0.00E+00	0.00E+00
	CH4 Exhaust	8.57E-05	5.75E-05	5.88E-03
	CO Exhaust			
	NOX Exhaust		**5.09E+01**	
	CO2 Exhaust			
	SO2 Exhaust			
g/hr	PM Exhaust		**2.67E+00**	
	N2O Exhaust			
	CH4 Exhaust			

TRU Operating Parameters

Number of TRU's[a]	25
TRU Operating Time (hrs)[a]	1
Load Factor	0.6
NOx Emission Rate (g/day)	7.64E+02
NOx Emission Rate (g/s)	0.026535427
PM Emission Rate (g/day)	4.00E+01
PM Emission Rate (g/s)	0.001389048

[a] Assumes 25% of trucks have TRUs and operate for 1 hour per load. This is a reasonable assumption and likely conservative assumption given the type of retail uses permitted by the Village Center Commercial designation, which are not expected to require even 25% of trucks to be TRUs to service the retail uses.

Lytle Creek Ranch - Localized Operational Emissions

Maximum Daily Trip Calculation

Total Parcel Area (acres)	6	2	5
Total Parcel Area (SF)	261,360	87,120	217,800
Maximum Floor Area Ratio	1.5	1.5	1.5
Maximum Building Area (SF)	392,040	130,680	326,700
Trip Rate (Regional Shopping Cente	42.9	42.9	42.9
Daily Trips	16,834	5,611	14,028

Area Sources Emissions (URBEMIS Output)

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
6-Acre Site (lbs/day)	2.69	3.81	4.73	0.00	0.02	0.02	4,550.01
6-Acre Site (g/s)		0.0600			0.0003	0.0003	
2-Acre Site (lbs/day)	0.97	1.28	2.61	0.00	0.01	0.01	1,518.70
5-Acre Site (lbs/day)	2.26	3.18	4.20	0.00	0.02	0.02	3,792.53

Lytle Creek Ranch

2-Acre and 5-Acre Site Analysis (Mass Rate)

	Trucks		LDA		Area Source		Total	
	2-Acre Site	5-Acre Site	2-Acre Site	5-Acre Site	2-Acre Site	5-Acre Site	2-Acre Site	5-Acre Site
Trucks per Day[a]	50	100	5,611	14,028				
Distance Travelled On-Site (mi)[b]	0.62	0.62	0.06	0.06				
Total On-Site VMT (mi)	31.07	62.00	348.65	871.66				
Travel Speed (mph)	5	5	5	5				
NOx Emission Factor (g/mi)[c]	32.1	32.1	0.6	0.6				
Travel Emissions (lb/day)	2.20	4.39	0.42	1.06	1.28	3.18	3.90	8.63
PM10 Emission Factor (g/mi)[c]	2.1	2.1	0.1	0.1				
Travel Emissions (lb/day)	0.14	0.28	0.08	0.20	0.01	0.02	0.38	0.65
Idle and TRU Emissions (lbs/day)	0.14	0.14						
PM2.5 Emission Factor (g/mi)[c]	1.9	1.9	0.1	0.1				
Travel Emissions (lb/day)	0.13	0.25	0.06	0.16	0.01	0.02	0.34	0.58
Idle and TRU Emissions (lbs/day)	0.14	0.14						

[a] Based on previous assumption for a 6-acre site.

[b] Travel distances based previous assumptions for a 6-acre site. This is a more conservative assumption for sites smaller than 6-acres.

[c] Emission factors obtained from EMFAC 2007, San Bernardino, Year 2010.

Title : San Bernardino County Avg Annual CYr 2010 Default Title
Version : Emfac2007 V2.3 Nov 1 2006
Run Date : 2010/05/20 09:50:39
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Season : Annual
Area : San Bernardino

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Year: 2010 -- Model Years 1966 to 2010 Inclusive -- Annual
Emfac2007 Emission Factors: V2.3 Nov 1 2006

County Average | San Bernardino | County Average

Table 1: Running Exhaust Emissions (grams/mile; grams/idle-hour)

Pollutant Name: Oxides of Nitrogen Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	5.133	95.828	0.000	0.000	9.528
5	0.368	0.732	1.176	32.112	13.365	1.157	3.534
10	0.322	0.632	1.015	22.446	10.718	1.163	2.568
15	0.288	0.559	0.902	16.490	9.063	1.177	1.964
20	0.262	0.506	0.823	14.181	8.045	1.199	1.712
25	0.244	0.468	0.771	13.539	7.459	1.226	1.625
30	0.231	0.442	0.739	13.058	7.194	1.258	1.563
35	0.222	0.425	0.724	12.732	7.192	1.295	1.523
40	0.217	0.418	0.727	12.560	7.440	1.337	1.503
45	0.217	0.418	0.745	12.546	7.963	1.382	1.505
50	0.219	0.427	0.782	12.696	8.831	1.432	1.529
55	0.226	0.445	0.840	13.025	10.178	1.487	1.577
60	0.236	0.472	0.926	13.557	12.242	1.547	1.654
65	0.251	0.513	1.050	14.327	15.439	1.613	1.765

Pollutant Name: PM10 Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	0.054	1.520	0.000	0.000	0.147
5	0.057	0.111	0.101	2.000	0.359	0.052	0.259
10	0.037	0.073	0.067	1.369	0.257	0.041	0.175
15	0.026	0.050	0.047	0.908	0.190	0.034	0.118
20	0.019	0.037	0.034	0.642	0.146	0.029	0.084
25	0.014	0.028	0.027	0.539	0.117	0.026	0.069
30	0.012	0.023	0.021	0.462	0.097	0.025	0.058
35	0.010	0.019	0.018	0.411	0.083	0.025	0.051
40	0.009	0.017	0.016	0.386	0.074	0.026	0.047
45	0.008	0.016	0.015	0.386	0.068	0.028	0.047
50	0.008	0.016	0.015	0.410	0.065	0.031	0.049
55	0.008	0.017	0.015	0.460	0.064	0.037	0.054
60	0.009	0.018	0.016	0.535	0.066	0.047	0.062
65	0.011	0.021	0.018	0.634	0.070	0.061	0.073

Pollutant Name: PM10 - Tire Wear Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	0.000	0.000	0.000	0.000	0.000
5	0.008	0.008	0.009	0.030	0.011	0.004	0.010
10	0.008	0.008	0.009	0.030	0.011	0.004	0.010
15	0.008	0.008	0.009	0.030	0.011	0.004	0.010
20	0.008	0.008	0.009	0.030	0.011	0.004	0.010
25	0.008	0.008	0.009	0.030	0.011	0.004	0.010
30	0.008	0.008	0.009	0.030	0.011	0.004	0.010
35	0.008	0.008	0.009	0.030	0.011	0.004	0.010
40	0.008	0.008	0.009	0.030	0.011	0.004	0.010
45	0.008	0.008	0.009	0.030	0.011	0.004	0.010
50	0.008	0.008	0.009	0.030	0.011	0.004	0.010
55	0.008	0.008	0.009	0.030	0.011	0.004	0.010
60	0.008	0.008	0.009	0.030	0.011	0.004	0.010
65	0.008	0.008	0.009	0.030	0.011	0.004	0.010

Pollutant Name: PM10 - Brake Wear Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	0.000	0.000	0.000	0.000	0.000
5	0.013	0.013	0.013	0.025	0.013	0.006	0.014
10	0.013	0.013	0.013	0.025	0.013	0.006	0.014
15	0.013	0.013	0.013	0.025	0.013	0.006	0.014
20	0.013	0.013	0.013	0.025	0.013	0.006	0.014
25	0.013	0.013	0.013	0.025	0.013	0.006	0.014
30	0.013	0.013	0.013	0.025	0.013	0.006	0.014
35	0.013	0.013	0.013	0.025	0.013	0.006	0.014
40	0.013	0.013	0.013	0.025	0.013	0.006	0.014
45	0.013	0.013	0.013	0.025	0.013	0.006	0.014
50	0.013	0.013	0.013	0.025	0.013	0.006	0.014
55	0.013	0.013	0.013	0.025	0.013	0.006	0.014
60	0.013	0.013	0.013	0.025	0.013	0.006	0.014
65	0.013	0.013	0.013	0.025	0.013	0.006	0.014

Title : San Bernardino County Avg Annual CYr 2010 Default Title
Version : Emfac2007 V2.3 Nov 1 2006
Run Date : 2010/05/07 12:22:15
Scen Year: 2010 -- All model years in the range 1966 to 2010 selected
Season : Annual
Area : San Bernardino

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Year: 2010 -- Model Years 1966 to 2010 Inclusive -- Annual
Emfac2007 Emission Factors: V2.3 Nov 1 2006

County Average San Bernardino County Average

Table 1: Running Exhaust Emissions (grams/mile; grams/idle-hour)

Pollutant Name: Oxides of Nitrogen Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
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10	0.322	0.632	1.015	22.446	10.718	1.163	2.568
15	0.288	0.559	0.902	16.490	9.063	1.177	1.964
20	0.262	0.506	0.823	14.181	8.045	1.199	1.712
25	0.244	0.468	0.771	13.539	7.459	1.226	1.625
30	0.231	0.442	0.739	13.058	7.194	1.258	1.563
35	0.222	0.425	0.724	12.732	7.192	1.295	1.523
40	0.217	0.418	0.727	12.560	7.440	1.337	1.503
45	0.217	0.418	0.745	12.546	7.963	1.382	1.505
50	0.219	0.427	0.782	12.696	8.831	1.432	1.529
55	0.226	0.445	0.840	13.025	10.178	1.487	1.577
60	0.236	0.472	0.926	13.557	12.242	1.547	1.654
65	0.251	0.513	1.050	14.327	15.439	1.613	1.765

Pollutant Name: PM2.5 Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	0.049	1.398	0.000	0.000	0.136
5	0.053	0.102	0.093	1.840	0.331	0.040	0.238
10	0.035	0.067	0.062	1.259	0.236	0.031	0.161
15	0.024	0.047	0.043	0.836	0.175	0.026	0.108
20	0.017	0.034	0.032	0.591	0.135	0.022	0.077
25	0.013	0.026	0.025	0.496	0.108	0.020	0.063
30	0.011	0.021	0.020	0.425	0.089	0.019	0.053
35	0.009	0.018	0.017	0.378	0.076	0.019	0.047
40	0.008	0.016	0.015	0.355	0.068	0.019	0.044
45	0.008	0.015	0.014	0.355	0.063	0.021	0.043
50	0.007	0.015	0.014	0.378	0.060	0.024	0.045
55	0.008	0.015	0.014	0.423	0.059	0.028	0.049
60	0.009	0.017	0.015	0.492	0.061	0.035	0.057
65	0.010	0.019	0.017	0.583	0.065	0.046	0.067

Pollutant Name: PM2.5 - Tire Wear Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	0.000	0.000	0.000	0.000	0.000
5	0.002	0.002	0.002	0.008	0.003	0.001	0.003
10	0.002	0.002	0.002	0.008	0.003	0.001	0.003
15	0.002	0.002	0.002	0.008	0.003	0.001	0.003
20	0.002	0.002	0.002	0.008	0.003	0.001	0.003
25	0.002	0.002	0.002	0.008	0.003	0.001	0.003
30	0.002	0.002	0.002	0.008	0.003	0.001	0.003
35	0.002	0.002	0.002	0.008	0.003	0.001	0.003
40	0.002	0.002	0.002	0.008	0.003	0.001	0.003
45	0.002	0.002	0.002	0.008	0.003	0.001	0.003
50	0.002	0.002	0.002	0.008	0.003	0.001	0.003
55	0.002	0.002	0.002	0.008	0.003	0.001	0.003
60	0.002	0.002	0.002	0.008	0.003	0.001	0.003
65	0.002	0.002	0.002	0.008	0.003	0.001	0.003

Pollutant Name: PM2.5 - Brake Wear Temperature: 60F Relative Humidity: 50%

Speed MPH	LDA	LDT	MDT	HDT	UBUS	MCY	ALL
0	0.000	0.000	0.000	0.000	0.000	0.000	0.000
5	0.005	0.005	0.005	0.011	0.005	0.003	0.006
10	0.005	0.005	0.005	0.011	0.005	0.003	0.006
15	0.005	0.005	0.005	0.011	0.005	0.003	0.006
20	0.005	0.005	0.005	0.011	0.005	0.003	0.006
25	0.005	0.005	0.005	0.011	0.005	0.003	0.006
30	0.005	0.005	0.005	0.011	0.005	0.003	0.006
35	0.005	0.005	0.005	0.011	0.005	0.003	0.006
40	0.005	0.005	0.005	0.011	0.005	0.003	0.006
45	0.005	0.005	0.005	0.011	0.005	0.003	0.006
50	0.005	0.005	0.005	0.011	0.005	0.003	0.006
55	0.005	0.005	0.005	0.011	0.005	0.003	0.006
60	0.005	0.005	0.005	0.011	0.005	0.003	0.006
65	0.005	0.005	0.005	0.011	0.005	0.003	0.006

PROJECT TITLE:

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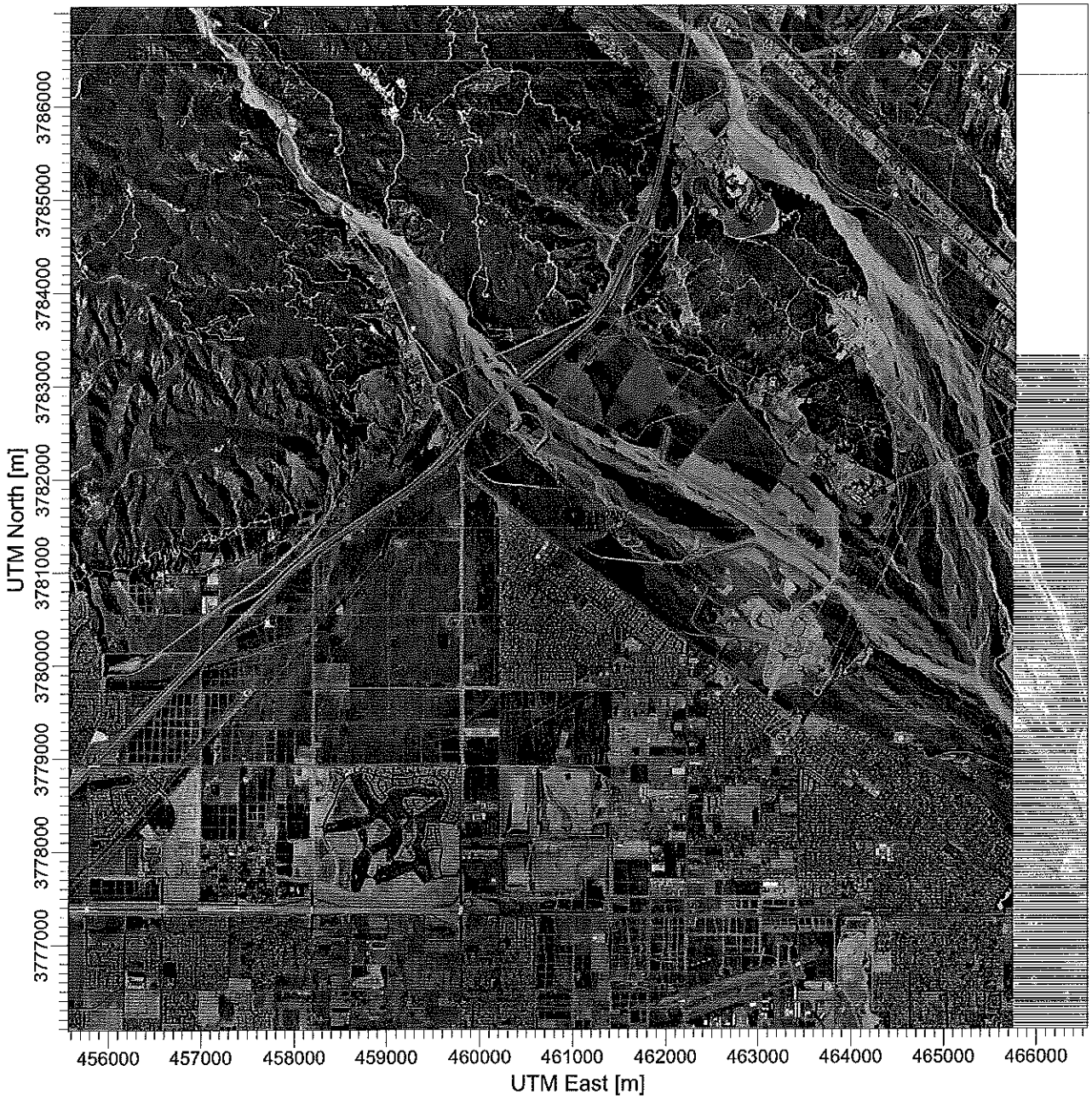
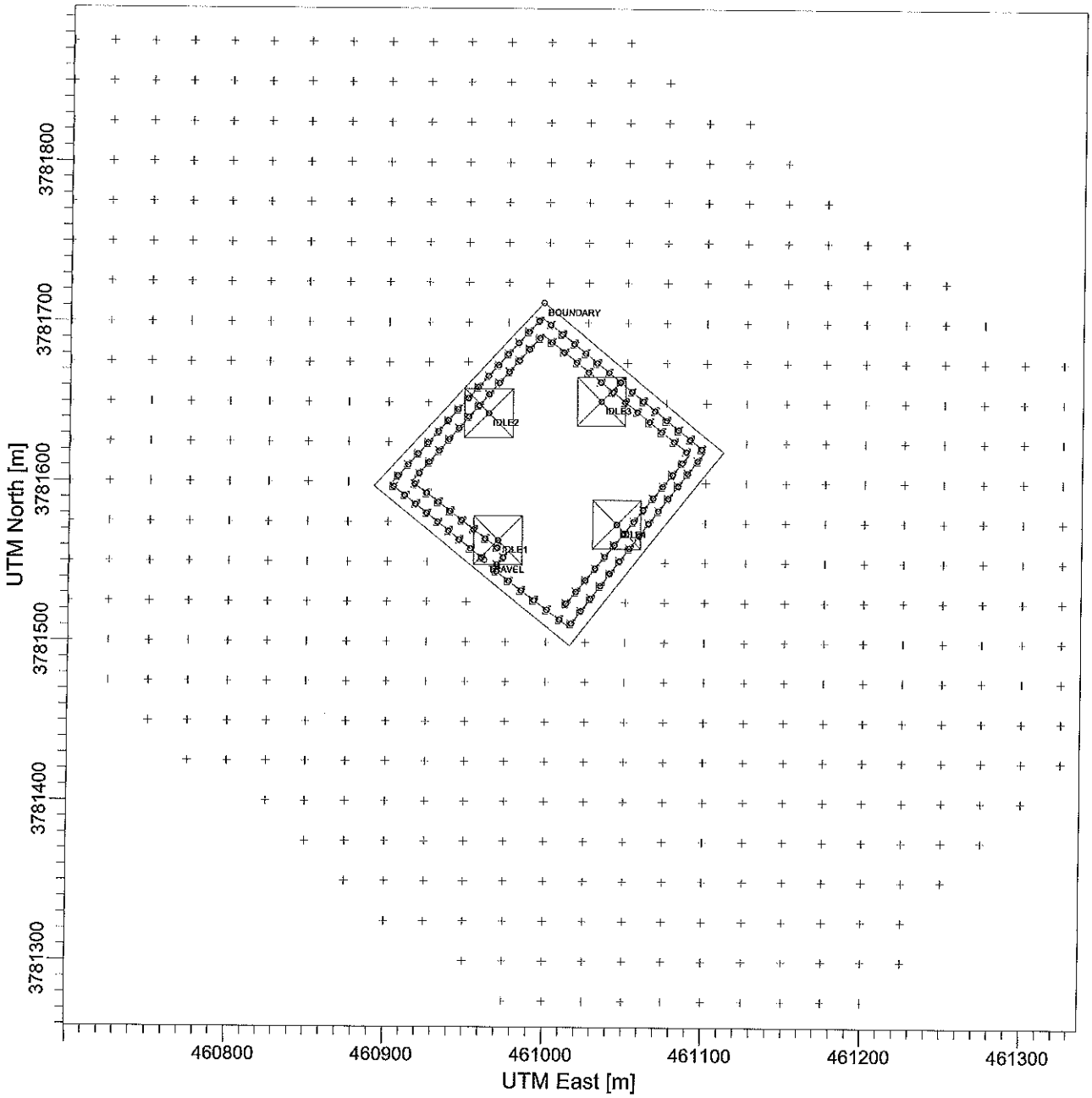


COMMENTS:	SOURCES: **6**	COMPANY NAME:	
	RECEPTORS: **652**	MODELER:	
		SCALE: 1:69,050 0 2 km	
		DATE: **5/10/2010**	PROJECT NO.:

PROJECT TITLE:

C:\ISC Models\Lytle Creek Construction\PM.isc



COMMENTS:	SOURCES: **6**	COMPANY NAME:	
	RECEPTORS: **652**	MODELER:	
		SCALE: 1:4,007 0 0.1 km	
		DATE: **5/10/2010**	PROJECT NO.:

APPENDIX B
ISCST3 OUTPUT FILE (PROVIDED ELECTRONICALLY)

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Appendix IV-J

PCR May 17, 2010
Technical Memorandum No. 2

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Technical Memorandum

TO: Peter Lewandowski, Environmental Impact Sciences **DATE:** May 17, 2010
CC:
FROM: Steven G. Nelson, PCR Services Corporation
RE: **LYTLE CREEK RANCH SPECIFIC PLAN – INFORMATION IN RESPONSE TO COMMENTS ON DRAFT EIR**

Having reviewed comments on the Draft EIR pertaining to the analysis and information regarding project impacts on biological resources, I wanted to offer several clarifications regarding some of the issues raised in those letters. As you know, as Director of Biological Services for PCR, which prepared the technical Biological Resources Assessment for the LCRSP project, I have a great deal of knowledge regarding the investigations, information, data collection and analysis that went into preparing that document.

PRESENCE OF SAN DIEGO MOUNTAIN CLOVER ON SITE

One of the comments stated that the San Diego mountain clover is located at the end of the north levee. I wanted to reiterate the fact that PCR consulted the current edition of the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants, and we were unable to find a common name in the inventory that matched the comment's common name. Our research included the CNPS Inventory's list of common names wherein scientific names are provided for the common names the CNPS does list, as well as a search of several regional floras. However, San Diego mountain clover was not found in any of these sources. According to the CNPS, common names are not used as the primary basis of the inventory since there are variations in local vernacular as to the use of common names. Since the comment did not include a scientific name, and PCR conducted thorough literature reviews and field surveys, we can only assume the species referred to in the comment has been addressed under a different common name, and/or the species is not sensitive pursuant to CEQA and does not warrant further analysis.

STATE-DESIGNATED SIGNIFICANT NATURAL AREAS

A comment made in the California Department of Fish and Game (CDFG) letter stated that much of the alluvial scrub along Lytle and Cajon washes is within a state-designated Significant Natural Area (SBD-013). In light of this comment, we conducted research to identify the boundaries of this area. As such a designation had never been identified during our various investigations associated with the project site. We spoke to Will Patterson, a GIS staff person at the CDFG Natural Heritage Division's Natural Diversity Data Base (CNDDB) in Sacramento (telecom between Stephan Geissler of PCR and Will Patterson, May 12, 2010). According to Mr. Patterson, the Significant Natural Areas program is no longer maintained by the State, and there are no GIS layers, maps, or documentation that are made available to the public on the CNDDB web site. For that reason, PCR considers the designation cited in the CDFG letter regarding Significant Natural Areas to be out of date and replaced by current database resources maintained and made available by the CNDDB. Moreover, PCR believes the more up to date data sources it used in its assessment to be of

equal or better validity; and while we have acknowledged the significance and sensitivity of alluvial fan sage scrub and the threatened, endangered and otherwise sensitive species it supports throughout our assessment, we would suggest the comment's reference to a state-designated Significant Natural Area does not, and would not, materially alter the information and analysis regarding alluvial fan sage scrub impacts contained in the technical Biological Resources Assessment or Draft EIR. That is, it does not add to or refute the manner in which PCR's assessment addressed alluvial fan sage scrub.

RESERVOIRS AND THE INTRODUCTION OF EXOTIC SPECIES

A comment was included in the letter received from the San Bernardino National Forest regarding the proposed installation of new reservoirs by the project which could attract and harbor exotic species that can have a devastating effect on native fish and wildlife species populations. Whereas PCR agrees with the comment in its concern that open reservoirs can have an indirect impact by supporting the spread of exotic species, a point of clarification here is appropriate. All new reservoirs proposed by the project will be in the form of covered tanks that do not serve as potential habitat for these species or native species. We believe the comment was erroneously based on the belief that the project was proposing open reservoirs that would be easily accessible to exotic species. Again, this is not the case, and impacts of the kind expressed in the comment will not occur.

STATUS OF DUDLEYA CYMOSA MARCESCENS ON SITE

A comment was received that cited this species as occurring on site. That statement is incorrect. This species is a Santa Monica Mountain endemic; that is, it is not found outside the Santa Monica Mountains according to the body of literature published for the southern California floristic region. This clarification must be noted.

STATUS OF WOOLLY STAR ON SITE

Several comments were received regarding the status of the woolly star population on site. One comment even erroneously claimed that the particular population on the project site was specifically included in the U.S. Fish and Wildlife Service (USFWS) original listing of the Santa Ana River woolly star as an endangered species. It should be remembered that the listing of the Santa Ana River woolly star was not based on the close study of all woolly star populations in the region, some of which were not included in the listing, and definitive studies regarding hybridization among the subspecies of wooly star do not exist. PCR conducted a thorough investigation and analysis regarding the woolly star on the project site and determined that they are not woolly star belonging to the listed subspecies. Nevertheless, after reviewing the comments received concerning the woolly star, PCR requested a review of the comment from Mr. Justin Wood and recently published research on the species and its subspecies by Dr. Mark Brunell, who conducted his Ph.D.

thesis work on this very issue. We have attached a letter from Dr. Brunell that, we believe, is important in considering this issue. After his review of the comment's assertions, recent work published by a third party, and his own research conducted over a period of several years, Dr. Brunell concluded that the population on the Lytle Creek site is not the listed subspecies, and as to it being a hybrid, Dr. Brunell states: "In summary, evidence for a hybrid origin of the plants in the project area is currently not in existence, and the data that we do have do not suggest hybridization."

TRAJECTORY OF NOISE FROM ITS SOURCE

When considering PCR's assessment of the potential for project noise to result in adverse indirect effects on wildlife occupying adjacent and nearby habitats in Lytle and Cajon washes, the trajectory of sound waves should be kept in mind. According to accredited noise specialists at PCR, sound waves travel outward and upward from their source, and attenuate fairly quickly over distance, particularly at ground level. Keeping in mind that most of the project noise will occur in areas that are higher in elevation than the wash bed (where wildlife represent sensitive receptors), therefore, noise should not be considered to be a significant indirect impact. In the biological resources assessment 60 to 65 dBA is used as a conservative and generally accepted adverse threshold for wildlife. The assessment concludes that the majority of construction-related noise will attenuate to a 65 dBA level at a distance of about 200 feet. For common and sensitive wildlife species, this would not result in potentially significant adverse impacts.

POTENTIAL INDIRECT EFFECTS ON NEARBY CONSERVATION LANDS

A comment was received expressing concern that the project could result in adverse effects on the hydrological regime and biological resources of nearby conservations lands set aside for mitigation and preservation of habitats and species of concern. Responses to expressed concerns regarding potential changes in the hydrological regime of Lytle Creek have been prepared by PACE and are detailed under separate cover in a 13 page technical memorandum dated May 5, 2010. In summary, the conclusions that PACE developed from detailed hydraulic/fluvial investigations and engineering design for flood protection are: 1) the proposed Lytle development flood control facilities have been set back from the existing active channel bank which minimizes direct hydraulic effects on the channel downstream to Vulcan property; 2) hydraulics in the reach of the channel downstream from the CEMEX levee system are dominated by the hydraulic effects of the constriction at this location; and 3) the incisement and lowering of the channel flowline elevation between CEMEX and the Lytle Creek-Cajon Creek confluence has been dominated by effects from the historic Calmat gravel mining operation. All of these features illustrate that the proposed flood control features will have minimal effects on the hydraulics and fluvial stream mechanics existing in the lower Lytle Creek channel and Cajon Creek today.

Regarding potentially adverse edge effects to San Bernardino kangaroo rat, measures are incorporated in the project which will reduce potential impacts to habitat areas to be set aside for

conservation. That is, areas of the project site to be dedicated as preserved natural open space will be protected through design elements intended to buffer and avoid human-wildlife conflicts. These are detailed at pages 181 and 182 of the technical Biological Resources Assessment and address the potentially adverse effects of pets, night lighting, and unauthorized access. Through the incorporation of these elements, potentially significant indirect mortality to San Bernardino kangaroo rat will be mitigated to a level less than significant. At the same time, all other wildlife will also benefit as well. Moreover, if this determination has been made for conservation land within the project site and adjacent to proposed development areas, it must follow that the same determination will hold true for conservation lands outside of the project site and further away. Thus, no adverse effects on existing conservation lands and the habitat and sensitive species they support will occur with the implementation of the project design features and mitigation measures described in the Draft EIR.

IN KIND MITIGATION IS PROPOSED

A comment was received from the CDFG that may be interpreted to claim the mitigation proposed, presumably under the "Appropriately Scaled and Previously Accepted Ratios" and alternative "Habitat Equivalency Analysis" (HEA), did not consider the quality of the habitat to be impacted and opportunities for "in kind" mitigation. This is simply not true. If mitigation occurs based on appropriately scaled and previously accepted ratios, the proposed mitigation calls for the preservation of at least 322 acres (31% of all mitigation required) of mature and/or intermediate stage alluvial fan sage scrub to be part of the mitigation lands in order to offset the loss of these stages from the project and the elevated functions and values they provide as wildlife habitat (see pages 155 and 158 of the technical Biological Resources Assessment). Further, mitigation under the appropriately scaled and previously accepted ratio approach will include the enhancement of 74.5 acres of habitat for San Bernardino kangaroo rat, in addition to the 316.2 acres of occupied habitat that will be set aside and preserved for the species within the project site. If the HEA approach is used for mitigation, consideration of habitat quality is stressed to an even greater degree. In fact, consideration of habitat quality and key attributes of both impacted habitat and habitat to serve as mitigation are the basis for the alternative HEA approach. As detailed in the technical Biological Resources Assessment (at pages 164 to 173), five metrics would be used for the analysis of the quality of vegetation/habitat, four metrics would be used to analyze landscape context and the long-term viability of habitat and ecological synergies with surrounding areas, and two metrics will be used to understand the net benefits of habitats that support one or more sensitive species.

Regarding the identification of opportunities for mitigation, PCR's analysis of such opportunities was completed for the entire southern California coastal floristic region and goes well beyond what is normally accomplished to comply with CEQA. The identification of the specific lands to be used for the off-site portion of the mitigation is not included. However, how much land is needed and what it will consist of was specified, as were 26 drainage systems possessing potential areas where mitigation could occur. These locations were identified and mapped as part of a region-

wide inventory. After reviewing the body of literature on the subject of alluvial fan sage scrub and as stated at page 155 of the technical Biological Resources Assessment, "the opportunity to meaningfully mitigate for project-related impacts to habitat and general plant and wildlife species, in kind on a regional basis, reasonably exists in any one of these 26 drainages."

Enclosure: Letter from Dr. Mark Brunell, May 16, 2010.

5/16/2010

Mr. Steve Nelson
PCR Services Corporation
One Venture, Suite 150
Irvine, California 92618
tel: 949.753.7001

Dear Mr. Nelson:

I have been asked to respond to an email sent by Mr. Justin Wood of Claremont, CA, regarding the issue of the taxonomic position of the Eriastrum densifolium population growing at the Lytle Creek Ranch (LCR) project site.

From a letter addressed to Mr. Michael Story, dated 15 April 2010, written by Mr. Justin Wood of Claremont, CA:
"The treatment of Santa Ana River woolly star (Eriastrum densifolium ssp. santorum) in the project area is another topic I am concerned with. This population of woolly star has long been known to be unique, in that is [sic] does not quite fit into any of the subspecies from a morphological or phonological [sic] perspective. Based on recent published genetic work by Sarah De Groot, this population may in fact be a distinct subspecies. It seems very clear, based on genetic work, that these plants are NOT the subspecies elongatum and therefore they should not be treated as so. We should try to better understand these plants before we destroy a majority of the population. We must also not forget that the USFWS includes this population in the original listing of the Santa Ana River woolly star as an endangered species. Therefore, regardless of data that was collected for this project, not treating these plants as an endangered species would be unlawful."

Response: The study published by De Groot (2008) was not a genetic study, but instead studied morphology of the corolla and some vegetative characters. That paper in no way suggests that their population studied in Lytle Creek is a distinct subspecies, but rather it is an intermediate population that may or may not be of hybrid origin. There is no evidence that suggests that the population in the project area is of hybrid origin between *Eriastrum densifolium* subsp. *sanctorum* and any other subspecies.

Site definitions:
LCR = Lytle Creek Ranch site
"Lytle Creek" = population studied by DeGroot (2009)
LYTLE = population studied by Brunell and Whitkus (1997)

The only genetic work that exists on plants in this area is found in Brunell and Whitkus (1997), which showed that plants from the INSTIT population (which is 2 miles NNE of LCR) and the LYTLE population (which is 2 miles SE of LCR) are both genetically very

similar to each other and to the endangered subspecies, *E. d.* subsp. *sanctorum* (population SANCT). Specifically, the SANCT and INSTIT populations were most similar, with the LYTLE population most similar to the SANCT-INSTIT group. The "Lytle Creek" population studied by De Groot (2008) is 0.5 mile to the W of the LYTLE population, and because of the close proximity it is reasonable to assume that their "Lytle Creek" population and the LYTLE population of Brunell and Whitkus (1997) are very similar genetically. Also, the NEW7OAK population, which is about 12 miles upstream of the *E. d.* subsp. *sanctorum* site, is genetically closely related to the INSTIT-LYTLE-SANCT group, and the NEW7OAK population has longer corolla tubes than either INSTIT or LYTLE (Brunell 1996). In all other respects, the NEW7OAK population resembles the mountain form of the species, *E. d.* subsp. *austromontanum*. All of this means that singling out the population in the project area as a distinct subspecies or even species is currently not supported by the evidence. All of the plants in this region are closely related genetically and no clear cut discontinuities are known except for corolla tube length in *E. d.* subsp. *sanctorum*. In terms of genetic diversity, the LYTLE plants are intermediate in their diversity, and represent a typical level of diversity for the species. As for what subspecies the population at the project site represents, the work by Brunell (1996) and Brunell and Whitkus (1999) shows that only two subspecies currently exist in the species: *E. d.* subsp. *densifolium* and *E. d.* subsp. *sanctorum*. In these studies it was determined that following the conventional application of the names *E. d.* subsp. *elongatum, E. d.* subsp. *mohavense*, and *E. d.* subsp. *austromontanum* produces groups based not on their genetic relatedness but on their morphological resemblances, and therefore these three were lumped into one subspecies (*E. d.* subsp. *densifolium*) under which the plants in the project area fall.

If we are to discuss the population in the project area in terms of being a hybrid, then we must be clear about what we mean by this term. The term "hybrid" has various meanings, at its broadest "the crossing of any two genetically unlike individuals" (Stebbins, 1950), and at its narrowest and most commonly used sense "crossing between individuals belonging to reproductively isolated species". It can also be applied to any situation in-between these extremes, from populations to subspecies. In all cases, if the parents differ genetically and have become adapted to different local ecological conditions, their offspring will undergo segregation to produce a vast array of genetic and morphological recombinations (in other words they are extremely variable) and these offspring are likely to appear intermediate between the parents (Stebbins, 1950). It should be noted that the LYTLE population from the Brunell and Whitkus (1999) study, which is geographically only 2 miles distant from the LCR site, is fully interfertile with other populations, and tests for reduced fertility in F1 ("hybrid") plants showed no significant reduction in fertility. Further, all populations tested, spanning the entire range of the species both geographically and taxonomically, showed no significant barriers to intercrossing. If the LYTLE population (which again can be assumed to be very similar to the plants of the LCR site) was a hybrid population in the sense of being the result of a cross between two other subspecies, we would expect a great deal of variation to be present if the hybridization event occurred recently.

Brunell (1996) shows that morphological traits for the LYTLE population are no more variable than in other populations, and Brunell (1996) and Brunell and Whitkus (1997) show that genetic variation in this population is average for the species. If hybridization was involved in the origin of the LYTLE plants, then that event must have been very ancient and the variants have been selected out and stabilized; in that case, determining that hybrid ancestry would be extremely difficult because the hallmarks of that event are no longer present. The question involving a hybridization origin would ask "What parents were involved?". Many people have talked about the endangered subspecies as being a parent, and the vegetative resemblance of the plants in the project area to that subspecies makes it a seemingly logical choice, however plants in the Phelan area (near Hwy 138 and Phelan Rd, about 21 airline miles NW of the project area) have an even greater similarity (vegetatively) to the plants in the project area (Brunell and Whitkus 1998). And what about the other parent? Further up the Cajon Wash are plants that are morphologically very dissimilar to the plants in the project area. In summary, evidence for a hybrid origin of the plants in the project area is currently not in existence, and the data that we do have do not suggest hybridization.

Literature Cited:

- Brunell, M. S. 1996. Biosystematics of *Eriastrum densifolium*. Ph.D. Dissertation. University of the California, Riverside.
- Brunell, M. S. and R. Whitkus. 1997. RAPD marker variation in *Eriastrum densifolium* (Polemoniaceae): Implications for subspecific delimitation and conservation. Systematic Botany 22(3):543-553
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- Brunell, M. S. and R. Whitkus. 1999. Analysis of cross-compatibility in *Eriastrum densifolium* (Polemoniaceae). Plant Systematics and Evolution 215:241-254.
- De Groot, S. J. 2008. Preliminary morphometric analysis of *Eriastrum densifolium* (Polemoniaceae) populations from Lytle Creek and La Cadena Avenue, Santa Ana River watershed. Crossosoma 34(1): 1-18.
- Stebbins, G. L. 1950. Variation and Evolution in Plants. Columbia.

I have endeavored to address the issues accurately. If you have any questions, please feel free to contact me at your convenience.

Best regards,

Dr. Mark S. Brunell
University of the Pacific
Department of Biological Sciences
Stockton, CA 95211

Appendix IV-K

CRAIN May 18, 2010 TIA Update

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CRAIN & ASSOCIATES

EMAIL TRANSMITTED

May 18, 2010

Mr. Peter Lewandowski
Principal
Environmental Impact Sciences
26051 Via Concha
Mission Viejo, California 92691-5614

RE: Expanded Traffic Impact Analysis Information for Lytle Creek Ranch Specific Plan

Dear Peter,

Since the preparation of the Lytle Creek Ranch Specific Plan Traffic Impact Analysis (TIA) dated February 2008, we have prepared a series of additional documents concerning the Lytle Creek Ranch Specific Plan transportation impacts. These documents are consistent with the TIA, but utilize and expand upon that information to more fully address transportation issues which have been raised after the TIA was published. Many of these documents were included in the Draft Environmental Impact Report for the Lytle Creek Specific Plan and are not herein included. Relevant additional Lytle Creek Ranch Specific Plan Traffic Impact documents are attached and include:

1. Transportation Mitigation Fees and Credits — August 25, 2008.
2. Transportation Recommended Improvement Steps — February 16, 2010
3. Phasing of Roadway Improvement Mitigation — March 15, 2010

These documents do not provide new data and use the TIA information to address subsequently raised concerns. All information in the above listed documents is consistent with the currently analyzed project and the TIA.

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Note that the Transportation Commission recommended that the phasing mechanism and trip levels outlined in the attached March 15, 2010 letter should have flexibility built in should the land uses be changed from those in the TIA analysis.

Please contract me with any questions.

Sincerely,

George Rhyner
Senior Transportation Engineer

GR:lc
C19956R
Attachments (3)

ATTACHMENT 1

CRAIN & ASSOCIATES

EMAIL TRANSMITTED

August 25, 2008

Mr. Peter Lewandowski
Principal
Environmental Impact Sciences
26051 Via Concha
Mission Viejo, California 92691-5614

RE: Transportation Mitigation Fees and Credits for the Lytle Creek Ranch Planned Development Project

Dear Peter,

This memorandum discusses how development impacts on the transportation system are usually paid for by that development through transportation facility improvements required to be installed by the project and/or fee programs (which usually provide credits for the development installed transportation facility improvements). As required in the City ordinance which implements the SanBAG Congestion Management Program (CMP), each future development is required to pay its fair share for needed transportation facilities as a result of that project. The project's Development Mitigation Nexus Study (produced by using the guidelines in Appendix K of the SanBAG CMP) is used as the basis for identifying and calculating the project fair share contributions. The Nexus Study provides a development contribution estimate of the minimum fair share of improvements for each local jurisdiction and the jurisdiction's sphere area. Under the CMP, each local jurisdiction is required to develop and implement a development mitigation program for regional transportation facilities that shall be consistent with the Nexus Study. In order to comply with this requirement, the City of Rialto (which is the lead agency for the Lytle Creek Ranch Planned Development project) has adopted Resolution No. 5427 that mandates a development impact fee for traffic generating projects. The development impact fee is calculated based on the likely project trip generation. The required fee amount considers factors such as the proposed number and type of residential units and the square footage of retail, office and

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industrial uses. Payment of this fee by the project applicant is considered a fair share contribution to the regional transportation network improvements identified in the SanBag Nexus Study.

For transportation improvements which are local and often project specific (such as those roadway improvements adjacent to the project site) and not considered part of the CMP mitigation program, the project is generally responsible for constructing those improvements since those facilities serve primarily the project site. The needed improvements are often determined through the California Environmental Quality Act (CEQA) process. This process considers not only project impacts but cumulative impacts as well. The project is responsible for offsetting both the project significant impacts and the project's substantial contributions to significant cumulative impacts. The transportation mitigation measures assigned to the project are usually designed to achieve these goals. The mitigation measures may also be participated in by the project through fee payments (adjusted for any mitigation fully implemented by the project).

Lastly, it should be noted that not all mitigation contributions by each project will be monetary. Rather individual projects are often required to implement both local and regional improvements. "In-lieu Credit" is then given to the project reflecting the decrease in the amount of money that must be collected for the improvements as a result of their construction activity. The jurisdiction (the City of Rialto in this case) often considers the timing under which any additional needed right-of-way will be acquired when choosing how to most effectively implement the improvement.

In summary, the fee is usually established considering at least three factors. First, the trip generation is estimated to determine the project overall impact on the need for improvements to regional facilities. The CMP establishes trip generation rates for most uses. Next, the traffic impact analysis determines which additional improvements are needed for other local transportation systems. Finally, a reduction in the first two amounts is developed based on consideration of the transportation improvements being implemented by the project. The result is the relevant jurisdiction will collect the proper amount to off-set the transportation impacts of development which are not off-set by the direct construction of improvements by individual projects.

Please contact me with any remaining questions.

Sincerely,

George Rhyner
Senior Transportation Engineer

GR:jl
C19160
JA79256
enclosure

ATTACHMENT 2

Proposed Off-Site Transportation Analysis and Improvement Steps for the Lytle Creek Ranch Specific Plan Project Approvals

The first step in the development process will be the consideration of the Lytle Creek Ranch Specific Plan (LCRSP) by the City Council. We have recommended that the following steps be incorporated into either the LCRSP or the accompanying Development Agreement. As part of the draft LCRSP consideration process, a Traffic Impact Analysis (TIA) has been prepared to assess the transportation implications of the proposed LCRSP. The TIA was incorporated into the LCRSP Environmental Impact Report (EIR). A State-required step for the City is that in adopting the LCRP, the EIR must also be determined to be sufficient and adopted by the City Council. Thus, adopting the EIR containing the TIA (including a cumulative mitigation program) will be the City's first step in implementing a transportation analysis and improvement program for the LCRSP. This step is not only needed to determine the scope of the transportation improvements to be implemented, but to set the implementation process used in later steps.

If the recommended process is adopted, the second step will be to assure that each first development level land-use approval (e.g. tentative subdivision map) does not result in the trip generation exceeding that in the traffic study. Attachment 1 is an example of the type of table required to be submitted with each such application in order for the Director of Development Services (Director) to verify compliance with the maximum trip generation requirements. Attachment 1 is an example for near the completion of the LCRSP development, as trip limits are nearly reached. It should be noted there would be other requirements in the LCRSP. The Director will need to determine compliance with those requirements separately.

The third step in the process will be during the application for building permit(s). A subsequent trip generation table, such as the example in Attachment 2, must be submitted in order to determine what, if any, off-site roadway improvements are to be associated with the building permit(s). The requirements that these roadway improvements should be required to be installed will be placed upon this and all subsequent LCRSP construction projects.

The fourth and final step is the installation of the roadway improvements and/or the payment of project roadway improvement fees. Prior to receiving Certificate of Occupancy, the required roadway improvements are recommended to be installed to the satisfaction of the Director. Payment of all required improvement fees, with appropriate in-lieu adjustments, should be required to be completed to the satisfaction of the Director before a Certificate of Occupancy is issued.

The above list of steps is not meant to be exhaustive, but rather an illustration of the recommended process for the LCRSP in order to assure that the off-site roadway improvements is implemented in a timely fashion. Additional requirements for improvements for the roadway network within the LCRSP will be imposed on each LCRSP approval, but those requirements will be dependent on the locations and details of the approval. Non-transportation issues will also be addressed in each LCRSP approval.

ATTACHMENT 1

Lytle Creek Ranch Specific Plan
First Development-Level Approval
Recommended Trip Limits Check

Lytle Creek Ranch Specific Plan
First Development-Level Approval
Recommended Trip Limits Check
Example Table

Land Use Name	Amount of Land Use		AM + PM Trip Generation Rate	AM + PM Peak Hour Trips
	Size	Units		
Neighborhood I				
Single Family Detached Homes	350	units	1.76	616
Multi-Family Attached Homes	527	units	0.96	506
Warehousing - High Cube	250	k.s.f.	0.26	65
Shopping Center	110	k.s.f.	4.78	526
Middle School	350	students	0.68	238
Neighborhood Generation Subtotal				1,951
Allowed				
Base				1,609
Transfers				378
Subtotal				1,987
Difference				36
Neighborhood II				
Single Family Detached Homes	1,100	units	1.76	1,936
Multi-Family Attached Homes	1,200	units	0.96	1,152
Warehousing - High Cube	115	k.s.f.	0.26	30
Shopping Center	65	k.s.f.	4.78	311
Park	43	acres	0.07	4
Golf Couse	210	acres	0.51	108
Neighborhood Generation Subtotal				3,541
Allowed				
Base				4,454
Transfers				-853
Subtotal				3,601
Difference				60

Lytle Creek Ranch Specific Plan
First Development-Level Approval
Recommended Trip Limits Check
Example Table

Land Use Name	Amount of Land Use Size	Units	AM + PM Trip Generation Rate	AM + PM Peak Hour Trips
Neighborhood III				
Single Family Detached Homes	820	units	1.76	1,444
Multi-Family Attached Homes	2,315	units	0.96	2,223
Industrial Park	160	k.s.f.	1.70	272
Shopping Center	452	k.s.f.	4.78	2,161
Elementary School	900	students	0.70	630
Park	12	acres	0.07	1
Neighborhood Generation Subtotal				6,731
Allowed				
Base				8,130
Transfers				853
Subtotal				8,983
Difference				2,252
Neighborhood IV				
Single Family Detached Homes	27	units	1.76	48
Multi-Family Attached Homes	582	units	0.96	559
Shopping Center	52	k.s.f.	4.78	249
Elementary School	450	students	0.70	315
Park	43	acres	0.07	4
Golf Coues	210	acres	0.51	108
Neighborhood Generation Subtotal				1,283
Allowed				
Base				1,669
Transfers				-378
Subtotal				1,291
Difference				8

Lytle Creek Ranch Specific Plan
First Development-Level Approval
Recommended Trip Limits Check
Example Table

Land Use Name	Amount of Land Use		AM + PM Trip Generation Rate	AM + PM Peak Hour Trips
	Size	Units		
Multi-Neighborhood Trip Cap Comparisons				
Neighborhoods I and IV				
Generated				3,234
Allowed				3,853
Difference				619
Neighborhoods II and III				
Generated				10,272
Allowed				12,483
Difference				2,211
Total Lytle Creek Ranch Specific Plan Area				
Generated				13,506
Allowed				16,336
Difference				2,830

ATTACHMENT 2

Lytle Creek Ranch Specific Plan
Recommended Roadway Improvement Construction
Building Permit Trigger Check

Crain & Associates
DRAFT
2/16/2010

Lytle Creek Ranch Specific Plan
Recommended Roadway Improvement Construction
Building Permit Trigger Check
Example Table

Land Use Name	Amount of Land Use		AM Peak Hour Generation		PM Peak Hour Generation		
	Size	Units	Generation Rate	Peak Hour Trips	Generation Rate	Peak Hour Trips	
Single Family Detached Homes	25	units	0.75	19	1.01	26	
Multi-Family Attached Homes	153	units	0.44	68	0.52	80	
Shopping Center	52	k.s.f.	1.03	54	3.75	195	
Park	43	acres	0.01	1	0.06	3	
Golf Course	210	acres	0.21	45	0.30	63	
Specific Plan Generation Total				187		367	
Trip Trigger Comparison				**Trigger**		**Trigger**	
Roadway Improvement Measure							
12 I-15 SB ON/OFF Ramps & SIERRA AVE.				272		281	X
13 I-15 NB ON/OFF Ramps & SIERRA AVE.				240		222	X
18 RIVERSIDE AVE. & SIERRA AVE.				258		247	X
22 RIVERSIDE AVE. & LINDEN AVE.				250		210	X
43 SR-210 WB ON/OFF RAMP & RIVERSIDE AVE.				N/A		387	
44 SR-210 BE ON/OFF RAMP & RIVERSIDE AVE.				512		681	

ATTACHMENT 3

CRAIN & ASSOCIATES

EMAIL TRANSMITTED

March 15, 2010

Mr. Peter Lewandowski
Principal
Environmental Impact Sciences
26051 Via Concha
Mission Viejo, California 92691-5614

RE: Phasing of Lytle Creek Ranch Roadway Improvement Mitigation Measures

Dear Peter,

As requested, we have developed a draft phasing procedure and timeline for the subset of transportation mitigation measures/roadway improvements from the Lytle Creek Ranch Specific Plan (LCRSP) Traffic Impact Assessment (TIA) which are recommended for construction by the project. The phasing analysis determines the amount of trip generation during the AM and PM peak hours of the roadway when a project traffic impact is estimated to be considered "significant" at a study location. The mitigation measure "trigger" values were calculated for a subset of mitigation measures from the LCRSP traffic study dated February 2008. The subset of mitigation measures are those recommended for implementation by the project based on the overall cost of the subset being similar to the project's total fair-share cost of the total cumulative mitigation program, as well as these measures being in close proximity to the LCRSP area. Project implementation of these cumulatively required improvements will help ensure installation of the needed site adjacent roadway improvements by the time they first are needed.

In order to determine trigger values, there are two key assumptions:

- The project traffic impacts at each intersection are proportional to the overall LCRSP project trip generation; and

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- If the final "With Project" LOS is unacceptable, the project impact is considered "significant" whenever the project trip threshold is exceeded.

The following list of mitigation measures recommended for implementation by the project includes the project trip generation trigger levels. For each of the six locations, the list presents the level of project development which will first cause a "significant" CEQA or CMP impact, as those terms are defined in our May 12, 2009 letter. In order to minimize adverse traffic impacts, we recommend incorporating these trigger values into the Development Agreement and/or LCRSP. Specifically, we would recommend that prior to receiving a building permit, the applicant for each of the LCRSP's "planning areas" and/or "B" level subdivision maps, whichever is deemed most appropriate by the City, submit a trip generation report (for uniformity and consistency using the factors in the attached Appendix A – Generation Rates). The trip generation report should be acceptable to the City's Director of Development Services (Director). The trip generation report will include the total LCRSP projects to that time. Specifically, on the day the report is submitted, all buildings in the LCRSP area for which a building permit application has been filed following the LCRSP's enactment shall be included in the trip generation table. The report should include those projects for which the application has been approved, but should not include applications which have been subsequently withdrawn or rejected.

The Appendix A table will determine AM and PM peak hour generation values and will be used to determine which of the mitigation measures the LCRSP generation would exceed the trigger generation value during either the AM or PM peak hour. The triggers listed below would only be modified based upon an agreement between the Applicant, as defined in the project's CEQA document, and the Director. Those mitigation measures for which the trigger level would be exceeded then must be installed prior to the issuance of a Certificate of Occupancy or at an earlier time set by the Director. A substitute improvement and/or Condition of Approval may be agreed-to by the Applicant and Director, but only if it is determined (in consultation with the City Engineer) that the substitute improvement and/or condition would be as equally effective as the originally required improvement in relieving traffic congestion at the location.

Project Study Intersections Mitigation Measures

The improvements are described below and a worksheet for calculating the trigger values contained in Appendix B.

12. I-15 SB On/Off Ramps & Sierra Avenue – Improve Sierra Avenue to provide dual left-turn lanes and two through lanes in the northwest-bound direction, and two through lanes and

one free right-turn lane in the southeast-bound direction. Also, widen the southbound off-ramp to accommodate one left-turn lane, one left/right-shared lane and one right-turn lane. In addition, install a traffic signal at this location.
(AM Peak Hour = 272, PM Peak Hour = 281)

13. I-15 NB On/Off Ramps & Sierra Avenue – Improve Sierra Avenue to provide dual left-turn lanes and two through lanes in the southeast-bound direction, and two through lanes and one right-turn lane in the northwest-bound direction. Reconstruct the northbound off-ramp to accommodate one left-turn lane, one left/through-shared lane and one free right-turn lane. In addition, install a traffic signal at this location.
(AM Peak Hour = 240, PM Peak Hour = 222)

16. I-15 SB On/Off Ramps & Summit Avenue – Restripe Summit Avenue to accommodate one additional left-turn lane in the eastbound direction.
(AM Peak Hour = N/A, PM Peak Hour = 5125*)

17. I-15 NB On/Off Ramps & Summit Avenue – Restripe the northbound off-ramp to provide dual left-turn lanes and one right-turn lane.
(AM Peak Hour = N/A, PM Peak Hour = 5125)

18. Riverside Avenue & Sierra Avenue – Widen and restripe Sierra Avenue to provide dual left-turn lanes and two through lanes in the southbound direction. Also improve the intersection to allow a free right-turn from Riverside Avenue onto Sierra Avenue. Install a traffic signal at this intersection.
(AM Peak Hour = 258, PM Peak Hour = 247)

22. Riverside Avenue & Linden Avenue – Widen and restripe to provide one left-turn lane, one through lane and one through/right-shared lane in the northwest-bound direction.
(AM Peak Hour = 250, PM Peak Hour = 210)

*No project significant traffic impact is anticipated at this intersection, so values from the adjacent intersection within the same interchange were used.

The above improvements, if funded as part of later development projects within the LCRSP area, would be subject to any "in-lieu credit" provisions of any applicable City or other government agency transportation fees. Inclusion of the above requirement to have such measures implemented in relationship to the development within the LCRSP area would not alter fee provisions, including any applicable in-lieu credit.

Please contact me with any questions or requests for analysis modifications.

Sincerely,

George Rhyner
Senior Transportation Engineer

GR:cw
C19837C
JA79256
attachments

cc: Mike Story

APPENDIX A

Generation Rates

Lytle Creek Ranch Specific Plan
Trip Generation Rates

Land Use[1]	ITE	UNIT OF MEASURE FOR SIZE	Trip Rate for Hours on the Roadway	
			AM Peak	PM Peak
Residential				
Single Family Detached Homes	210	Dwelling Unit	0.75	1.01
Multi-Family Attached Homes	230	Dwelling Unit	0.44	0.52
Detached Senior Housing	251	Dwelling Unit	0.20	0.26
Assisted Living	254	Bed Space	0.14	0.22
Industrial[2]				
Industrial Park	130	Bldg. Area in ksf	0.84	0.86
Maufacturing Standard	140	Bldg. Area in ksf	0.73	0.74
Warehousing Standard[3]	150	Bldg. Area in ksf	0.45	0.47
Warehousing - High Cube	152	Bldg. Area in ksf	0.12	0.14
Lodging				
Hotel	310	Room	0.56	0.59
Motel	320	Room	0.45	0.47
Retail/Services				
Shopping Center[4]	820	Bldg. Area in ksf	1.03	3.75
Bank	912	Bldg. Area in ksf	12.34	45.74
Supermarket (≥15,000 sf)	850	ksf	3.25	10.45
Convenience Market (<15,000 sf)	851	ksf	67.03	52.41
Stand Alone Quality Restaurant	931	Bldg. Area in ksf	0.81	7.49
High-Turnover Restaurant	932	Bldg. Area in ksf	11.52	10.92
Fast Food Restaurant	934	Bldg. Area in ksf	53.11	34.64
Gasoline Service Station	944	Fueling Positions	12.07	13.86
Office				
General-Stand Alone	710	Bldg. Area in ksf	1.55	1.49
Medical/Dental	720	Bldg. Area in ksf	2.48	3.72
Office Park	750	Bldg. Area in ksf	1.74	1.50
Recreational				
Park	412	acres	0.01	0.06
Golf Course	430	acres	0.21	0.30
Health/Fitness Club	492	ksf	1.21	4.05
School				
Elementary	520	students	0.42	0.28
Middle/Jr. High	522	students	0.53	0.15
High	530	students	0.41	0.14

Other[2]

The rate to be considered for other land uses is per the decision of the City Engineer, who shall specify a rate from *Trip Generation, 7th Edition*, ITE if one is available from that source or one from another source which uses actual trip generation count

---

[1]Land-uses, except as noted, to be defined per *Trip Generation, 7th Edition, ITE.*

[2]Passenger Car Equivalent (PCE) factor to be applied for any use where such factors are used in the San Bernadino County Congestion Mangement Plan (CMP) or truck trips exceed 10% of peak hour generation.

[3]Standard warehouses are any warehouses which have less than 24 feet high ceiling or are less than 100,000 square feet in size.

[4]Shopping Centers are not to exceed 20% usage for restaurants (all categories), Cinema (all categories) or any other non-retail use.

APPENDIX B

Trigger Value Calculations

Environmental Impact Sciences
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