



**FINAL
PROGRAM ENVIRONMENTAL
IMPACT REPORT**

**CITY OF VICTORVILLE
GENERAL PLAN 2030**

(SCH NO. 2008021086)

Lead Agency:
City of Victorville
14343 Civic Drive
Victorville, CA 92393-5001
City of Victorville

Date: October 13, 2008

CITY OF VICTORVILLE GENERAL PLAN 2030

(SCH NO. 2008021086)

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT



Lead Agency

City of Victorville
14343 Civic Drive
Victorville, CA 92393-5001
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CEQA Consultant:

Comprehensive Planning Services

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Newport Beach, California 92659
Primary Contact: Joann Lombardo, Principal Consultant
Phone: (949) 650-3206
Email: joann@jalcps.com

Technical Report Consultants:

Parsons Brinckerhoff Quade & Douglas, Inc. (PB) – Infrastructure; Traffic
Giroux & Associates – Air Quality; Noise
CRM Tech – Cultural Resources
Robb Hamilton, Consulting Biologist – Biological Resources

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT
City of Victorville General Plan 2030

TABLE OF CONTENTS

1.0 INTRODUCTION.....1

2.0 RESPONSES TO COMMENTS.....2

3.0 MINOR TEXT REVISIONS.....112

4.0 MITIGATION MONITORING PROGRAM.....120

1.0 INTRODUCTION

This document, when combined with the Draft Program Environmental Impact Report (DEIR), constitutes the Final EIR (FEIR) for the proposed General Plan 2030(the "Project").

The DEIR contains a complete description of the proposed Project, a description of existing environmental conditions in the Project Area, a discussion of the Project's potential environmental effects, and mitigation measures to reduce or eliminate adverse impacts. The DEIR was circulated for public review and comment between August 15, 2008 and September 29, 2008.

Comments on the DEIR were received from eight public agencies, three attorneys representing property owner interests and eleven residents. These comments together with the City's responses to those comments are provided in the following pages. Some of the responses to the comments received resulted in minor clarifications or revisions to information contained in the DEIR. These revisions are summarized in the Minor Text Revisions section of this FEIR. Other minor corrections to the DEIR text, which have been identified by City staff, also are summarized in the Minor Text Revisions section. These minor revisions/corrections do not substantially alter the analyses or findings of the DEIR, and consequently, do warrant recirculating the EIR.

2.0 RESPONSES TO COMMENTS

A copy of each comment letter received by the City of Victorville regarding the General Plan 2030 Program DEIR is included in this section. After each letter, the comments responded to in this FEIR are summarized, and then a response to each comment is provided. The following agencies and individuals provided comments on the DEIR:

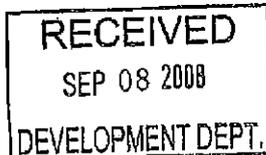
| Agency | Person Responding | Date of Letter |
|--|-------------------------|----------------|
| 1. State Department of Transportation | Sandy Hesnard | 9/2/08 |
| 2. Mojave Desert AQMD | Alan J. DeSalvio | 9/2/08 |
| 3. Southern California Edison | Nancy Jackson | 10/1/08 |
| 4. Manatt/Phelps/Phillips, counsel for property owner | Susan K. Hori | 9/29/08 |
| 5. County Department of Public Works | Nancy Sansonetti, AICP | 10/1/08 |
| 6. County Land Use Services Department | James M. Squire, AICP | 10/1/08 |
| 7. Helendale Community Services District | Steve M. Kennedy, Esq. | 10/1/08 |
| 8. Homan and Stone, counsel for property owner | Kathleen Patterson | 10/1/08 |
| 9. Tom Dodson & Associates, environmental consultant for San Bernardino County Local Agency Formation Commission (LAFCO) | Tom Dodson | 10/1/08 |
| 10. Native American Heritage Commission | Dave Singleton | 9/17/08 |
| 11. The Mack Law Offices, representing Spring Valley Lake Association ("SVLA") | Marie Mack | 9/24/08 |
| 12. Residents | Ann Carson Carr | 8/28/08 |
| | Scott B. Eckert | 9/1/08 |
| | Mrs. Corrine Putnam | 9/2/08 |
| | Rev. Tom Morrison | 9/2/08 |
| | James H. Carr | 8/28/08 |
| | Carole L. Runne-Burdick | 9/22/08 |
| | Simone Graham | 9/22/08 |
| | Gerald & Nedra Murphy | 9/23/08 |
| | Sandra Wiltshire | 9/22/08 |
| | Heather Grounds | 9/24/08 |
| Rick Danzy | 9/23/08 | |

These letters and responses to their comments are provided below.

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY 711



*Flex your power!
Be energy efficient!*



September 2, 2008

Chris Borchert
City of Victorville
14343 Civic Drive
Victorville, CA 92393-5001

Dear Chris Borchert:

City of Victorville's Draft Environmental Impact Report for the Victorville General Plan 2030;
SCH# 2008021086

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects, and we have permit authority for public-use and special-use airports and heliports. We have enclosed a copy of our March 10, 2008 response to the Notice of Preparation. The following comments are more specifically in response to the Draft Program Environmental Impact Report (EIR).

The proposal is for an update to the Victorville General Plan. Southern California Logistics Airport (SLCA) is one of the Proposed Land Use Plan Planning Sub-Areas for the general plan. There are also at least two existing hospital heliports in the City of Victorville.

The statement on page 5.7-10 that "No state agencies have oversight of FAA [Federal Aviation Administration] requirements." The Division has permit and regulatory authority over the public and special-use airports and heliports in the State. The Division also has regulatory authority over hazards near airport in accordance with Public Utilities Code (PUC) Section 21659.

Page 5.15-48 does not include Federal Aviation Regulation Part 77 criteria for development that is close to the airport. General plans must include policies restricting the heights of structures to protect airport airspace. To ensure compliance with FAR Part 77 "Objects Affecting Navigable Airspace" submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically.

Additionally, PUC Section 21688 requires "reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards" in order for the airport to receive payment from the Aeronautics Account for "expenditure on any

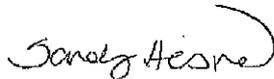
"Caltrans improves mobility across California"

Chris Borchert
September 2, 2008
Page 2

airport or for acquisition or development of any airport, if the department determines that the height restrictions around the airport are inadequate.”

Thank you for the opportunity to review and comment on this proposal. Our comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. If you have any questions, please call me at (916) 654-5314. We advise you to contact our Caltrans District 8 office concerning surface transportation issues.

Sincerely,



SANDY HESNARD
Aviation Environmental Specialist

Enclosure

c: State Clearinghouse, SCLA

"Caltrans improves mobility across California"

1. **Commenter:** Sandy Hesnard, Aviation Environmental Specialist, Department of Transportation, Division of Aeronautics - M.S. #40, dated September 2, 2008.

Comment 1.1: The statement on page 5.7-10 (of the DEIR) that "No state agencies have oversight of FAA [Federal Aviation Administration] requirements." The Division has permit and regulatory authority over the public and special-use airports and heliports in the State. The Division also has regulatory authority over hazards near airport in accordance with Public Utilities Code (PUC) Section 21659.

Response to Comment 1.1: The City acknowledges Ms. Hesnard's comment. In response to this comment, a minor revision is made to Page 5.7-10 of the EIR as follows (additions in underline, deletions in ~~cross-out~~):

Airports/Air Traffic

The Division of Aeronautics of the State of California Department of Transportation has permit and regulatory authority over the public and special-use airports and heliports in the State. The Division also has regulatory authority over hazards near airport in accordance with Public Utilities Code (PUC) Section 21659.

~~No state agencies have oversight of FAA requirements.~~ The San Bernardino County Department of Airports provides for the management, maintenance and operation of six county-owned airports. The County also assists private and municipal airport operators with planning, interpretation, and implementation of FAA general aviation requirements.

This revision to the EIR clarifies information regarding the Division of Aeronautics' responsibility. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to recirculate the DEIR.

Comment 1.2: Page 5.15-48 does not include Federal Aviation Regulation Part 77 criteria for development that is close to the airport. General plans must include policies restricting the heights of structures to protect airport airspace. To ensure compliance with FAR Part 77 "Objects Affecting Navigable Airspace", submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/postal.jsp> and should be submitted electronically.

Response to Comment 1.2: The City acknowledges Ms. Hesnard's comment. In response to this comment, a minor revision is made to Page 5.7-40 of the EIR and reiterated on Page 5.15-48, as follows (additions in underline, deletions in ~~cross-out~~):

Page 5.7-40: SCLA Specific Plan policies include restricting building height and all appurtenances to 45-feet; and requiring any project for which a notice of construction or alteration is required by the FAA under FAR, part 77, to submit a copy of the FAA application to the Airport Land Use Commission (ALUC) and provide the City with the FAA and ALUC response. Additionally, PUC Section 21688 requires "reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards" in order for the airport to receive payment from the Aeronautics Account for "expenditure on any airport or for acquisition or development of any airport, if the department determines that the height restrictions around the airport are inadequate."

And finally, Implementation Measure 1.4.2.2 also serves to assure that the City continues to work with SCLA to ensure adequate emergency preparedness to protect the public health and safety from aircraft mishaps. Examples of measures to promote health and safety include, but are not limited to, ensuring aircraft operations comply with established flight patterns and procedures, improving on airport and near airport roadways to benefit public safety, and properly disposing of hazardous waste generated at the airport.

Page 5.15-48: As discussed in Section 5.7.4.5, SCLA Specific Plan policies include restricting building height and all appurtenances to 45-feet; and requiring any project for which a notice of construction or alteration is required by the FAA under FAR, part 77, to submit a copy of the FAA application to the Airport Land Use Commission (ALUC) and provide the City with the FAA and ALUC response. Additionally, PUC Section 21688 requires "reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards" in order for the airport to receive payment from the Aeronautics Account for "expenditure on any airport or for acquisition or development of any airport, if the department determines that the height restrictions around the airport are inadequate."

This revision to the EIR clarifies information regarding SCLA Specific Plan height restrictions and FAA's role in reviewing the height of proximate structures. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to recirculate the DEIR.



Mojave Desert Air Quality Management District

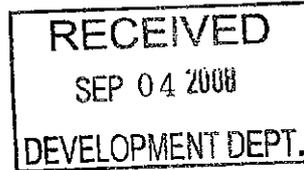
14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

ITEM #2



September 2, 2008

Chris Borchert, Assistant Director of Planning
City of Victorville
14343 Civic Drive
Victorville, CA 92393-5001

Project: City of Victorville General Plan Update 2030

Dear Mr. Borchert:

The Mojave Desert Air Quality Management District (District) has received the Draft Environmental Impact Report (DEIR) for the City of Victorville General Plan Update 2030. This project is a comprehensive update to the City of Victorville General Plan.

The District has reviewed the DEIR and concurs with the analysis and findings. Based on the information provided in the DEIR, the District recommends that the City of Victorville require implementation of the mitigation measures provided in the Traffic Impact Analysis as these mitigation measures will have an air quality benefit. The District also recommends that the City of Victorville not allow the creation of new unpaved roads as part of this project.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

Alan J. De Salvio
Supervising Air Quality Engineer

TW/AJD

Victorville GP 2030

| | | | | | | | | | | |
|------------------|----------------------|-----------------|----------------|------------------|-----------------|---------------------|--------------------------|---------------------------|---------------------|----------------------|
| City of Adelanto | Town of Apple Valley | City of Barstow | City of Blythe | City of Hesperia | City of Needles | County of Riverside | County of San Bernardino | City of Twenty-nine Palms | City of Victorville | Town of Yucca Valley |
|------------------|----------------------|-----------------|----------------|------------------|-----------------|---------------------|--------------------------|---------------------------|---------------------|----------------------|

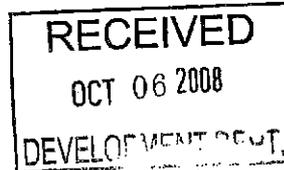
2. Commenter: Alan J. De Salvio, Mojave Desert Air Quality Management District, dated September 2, 2008.

Comment 2.1: The District has reviewed the DEIR and concurs with the analysis and findings. Based on the information provided in the DEIR, the District recommends that the City of Victorville require implementation of the mitigation measures provided in the Traffic Impact Analysis as these mitigation measures will have an air quality benefit. The District also recommends that the City of Victorville not allow the creation of new unpaved roads as part of this project.

Response to Comment 2.1: Section 5.15 of the DEIR incorporates the mitigation measures provided in the Traffic Impact Analysis as part of the Project. No new unpaved roads are planned as part of the Project. This comment concurs with the analysis and findings of the DEIR. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.



October 1, 2008



*Received by email
10/1/08*

Chris Borchert, Assistant Director of Planning
City of Victorville Development Department
14343 Civic Drive
Victorville, CA 92392-5001

RE: City of Victorville General Plan Update 2030 Draft Environmental Impact Report
(DEIR)

Dear Mr. Borchert:

SCE appreciates the opportunity to review and provide comment on the DEIR for the City of Victorville General Plan 2030 Update (City of Victorville GPU). As a provider of electricity to the City of Victorville, we look forward to continuing to provide safe and reliable electricity service to the City and supporting the City's GPU goals and policies regarding energy conservation and the increased use of renewable energy.

Our comments on the City of Victorville GPU address meeting the electricity demands posed by the proposed Land Use Element, ways in which SCE can assist the City to meet their Resource Element energy conservation goals and GPU policies supporting safe and reliable electricity service.

Providing Electricity Service to the City

SCE has adequate generation capacity to support current and future land uses proposed in the City of Victorville's GPU and the region. In addition, over the next 10 years, SCE plans to invest over \$10 billion on new transmission and distribution facilities to ensure the reliability of the electrical grid serving its 50,000 square-mile service territory.

SCE is a regulated electrical utility and, as such, maintains electrical transmission and distribution facilities, and supporting appurtenances in the City of Victorville to provide electricity service to the community under the applicable rules and tariffs approved by the California Public Utilities Commission (CPUC).

The projected electrical demand for the City of Victorville GPU has been determined to be within the parameters of the projected load growth which SCE is planning to meet in this area, and, excluding any unforeseen problems, SCE's plans for new distribution resources indicate our ability to serve all existing and projected GPU customers' loads within this area are in accordance with SCE's Design Standards, rules and tariffs, and

will be adequate for the next ten years. SCE completes all work in accordance with the rules and tariffs as authorized by the CPUC and other governing entities. Any cumulative impacts related to electric service are addressed through this process.

Supporting the City's Proposed Energy Conservation Goals

Currently, SCE has the most successful energy-efficiency program of any U.S. utility. During the past five years, SCE customers have saved more than four billion kilowatt-hours of energy — enough to power 500,000 homes for an entire year. This translated into reducing greenhouse gas emissions by more than 2 million tons — the equivalent of removing 250,000 cars from the road!

SCE's energy efficiency programs are available to individual homeowners, small and medium size businesses, large businesses, institutions, governments, and include opportunities for existing buildings as well as new residential and non-residential construction.

Examples include the many homeowner residential rebates to replace old energy consuming appliances with new energy efficient appliances, and rebates for energy efficient lighting, replacing old pool pumps, etc. In addition, residential builders have the opportunity to participate in the "California New Homes Program" (CANHP), a program that awards a limited number of financial incentives to homebuilders who construct homes that exceed California's energy efficiency standards for new residential construction (Title 24).

Large mixed use developers can apply for SCE's Sustainable Communities Program (SCP), which encourages and supports the construction of sustainable and energy efficient buildings and communities. The SCP is an innovative pilot program targeting large, mixed-use, multi-family, or multiple building construction projects that are willing to commit to aggressive energy efficiency and sustainable design goals. Financial incentives are available to help offset any increased costs.

Nonresidential developers have the opportunity to participate in the Savings By Design Program, a program encouraging high-performance energy conservation for nonresidential building design and construction. The program, sponsored by four of California's largest utilities under the auspices of the CPUC, offers building owners and their design team a wide range of services, including design assistance to help design the most efficient building possible, owner incentives to offset costs of energy-efficient buildings and design team incentives, which rewards designers who meet ambitious energy efficiency targets. For more information on these programs and other SCE services, please refer to SCE's website at <http://www.sce.com/>.

Increasing the Use of Renewable Energy to Power the City of Victorville

SCE understands its significant role in reducing greenhouse gas emissions and increasing community sustainability. SCE incorporates nearly 16 percent of the generated energy used from **wind, solar, biomass, small hydropower and geothermal** sources. SCE's current renewable energy portfolio offers the following mix of renewable sources:

- Geothermal: 7.71 billion kilowatt-hours (62 percent)
- Wind: 2.58 billion kilowatt-hours (21 percent)
- Solar: 667 million kilowatt-hours (5 percent)
- Biogas: 580 million kilowatt-hours (5 percent)
- Small hydro: 557 million kilowatt-hours (4 percent)
- In Biomass: 336 million kilowatt-hours (3 percent)

In addition, within the last year, SCE has signed more than a dozen agreements with renewable-energy developers. One of the agreements is with Australia-based Alta Windpower Development LLC to secure 1,500 megawatts (MW) or more of power from a wind energy project to be built in the Tehachapi area of California. The contract more than doubles SCE's wind energy portfolio and envisions more than 50 square miles of wind parks--triple the size of any existing wind farm in the United States. SCE also signed a new contract with Chateau Energy to purchase 15 MW of power from a biomass facility in the Mesquite Lake area of Imperial County.

More recently, on August 18th of this year, SCE signed a 20-year contract with DCE, an affiliate of Caithness Energy, which will provide up to 909 MW of wind power. Developers say, once completed, the Caithness project, called "Shepherd's Flat", will be one of the world's largest fully permitted wind farms. The project involves the installation of 303 wind turbines across 30 square miles in Gilliam and Morrow Counties located in North-Central Oregon between 2011 and 2012. Shepherd's Flat is expected to generate two billion kilowatt-hours per year of renewable energy, which is more than one-tenth of SCE's overall renewable portfolio. The project requires no additional or upgraded transmission lines, which significantly lessens the time it takes for a power plant of this magnitude to come on line.

In addition, in July of this year, SCE initiated the largest solar panel installation project in the world by installing 33,000 solar panels on 600,000-square-foot of commercial roof in Fontana, California leased from ProLogis Company. When completed, this first installation will be capable of generating 2 million watts of power, enough electricity to supply approximately 1,300 average Southern California households. Eventually, this program will comprise 150 Southern California commercial rooftops for a total of two square miles of solar generation.

SCE's increased future capacity to provide energy generated from renewable sources will support the City's efforts to meet state and national goals to reduce green house gases as well any supplemental local goals and policies proposed in the GPU.

Proposed General Plan Policies

The following discussion provides SCE's comments on proposed GPU policies.

Resource Element

Policy 7.1.1 Support development of solar, hybrid, wind and other alternative energy generation plants

Implementation 7.1.1.1 Continue to work with energy companies and energy developers to develop non-fossil fuel reliant power generation plants within the planning area.

SCE Comment- As state above, SCE continues to secure new alternative energy generation sources for use within the planning area. Please bear in mind, renewable energy generation sources may often be located far from electric loads, which may require the construction of new transmission facilities or upgrading of existing transmission lines. The City of Victorville may consider adding wording to Implementation Policy 7.1.1.1 stating the City will work closely with energy distributors and the CPUC to develop feasible transmission solutions to convey renewable energy to electric loads within the City.

Policy 7.2.1 Support energy conservation by requiring sustainable building design and development for new residential, commercial and industrial projects.

SCE Comment- Based on the many energy efficiency programs available to developers through SCE, SCE suggests you include in your general plan a policy recommending all new residential and non-residential developers contact SCE early in the design/development process to determine any additional energy efficiency measures that can be incorporated into the project's design.

Land Use Element

Specific Plans

SCE would like to recommend the City of Victorville consider a policy in their Land Use Element requiring specific plans to include a discussion of electricity provision in their infrastructure elements and/or utility discussions and to encourage developers of both specific plans and large scale residential and non-residential development to contact SCE early in the planning process to ensure prompt electricity planning to serve the development (in addition to incorporating feasible conservation measures within the project's design).

In addition, many specific plan developers will attempt to place required open space, trails and recreational land uses within SCE power line transmission corridors and utilities easements instead of impacting their developable land area. Due to operational and maintenance (O&M) requirements of SCE facilities, multi-use trails and recreational areas along power line transmission corridors and substations may be incompatible uses, and, even if compatible, such uses may be unavailable to the public for extended periods of time during system/facility construction and/or maintenance. Also, many of SCE's transmission corridors are held in exclusive easement, and the underlying fee owners would have to consent to any secondary uses of the easement. SCE would like to suggest the City of Victorville consider a general plan policy that would discourage developers from proposing the incorporation of SCE easements into required open space, trails and recreational areas of specific plans. Please note, SCE will work closely with the City of Victorville when such proposals are necessary to support general plan policies on individual projects and/or where it is unavoidable, and where such uses would be compatible with SCE's easement rights and O&M requirements.

SCE has transmission corridors traversing the City of Victorville. In order to provide safe and reliable electricity service to the City and the region, SCE must not only access these corridors for maintenance, but through the CPUC, sometimes propose to upgrade transmission lines within the corridors to meet the City's and the region's growing electricity needs. Some land uses are more sensitive to being located contiguous or adjacent to transmission corridors due to public perceptions regarding EMF and the aesthetics of electrical facilities. Residential, institutional residential, churches, schools, colleges, day care centers, etc., are examples of sensitive land uses relative to transmission corridors. SCE encourages the City of Victorville to take into consideration the location of existing transmission corridors as well as other utility corridors while determining and assessing future land uses for the City. In addition, we recommend the City take into consideration existing transmission corridors when approving sensitive land use projects contiguous to or adjacent to corridors.

Once again, we thank you for the opportunity to review and provide comment on the City of Victorville's GPU. If you have any questions regarding this letter, do not hesitate to contact me at (760) 951-3237.

Sincerely,



Nancy S. Jackson
Region Manager
Southern California Edison Company

3. Commenter: Nancy S. Johnson, Region Manager, Southern California Edison (SCE), dated October 1, 2008.

Comment 3.1: Providing Electricity Service to the City: SCE has adequate generation capacity to support current and future land uses proposed in the City of Victorville's GPU and the region.

Response to Comment 3.1: This comment concurs with the findings of the DEIR that sufficient energy will be available to support proposed General Plan 2030 development. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 3.2: Proposed General Plan Policies: The following discussion provides SCE's comments on proposed GPU policies.

- Resource Element, Policy 7.1.1.1 The City may consider adding wording stating that the City will work closely with energy distributors and the CPUC to develop feasible transmission solutions to convey renewable energy to electric loads within the City.
- Resource Element, Policy 7.2.1 SCE suggests you include in your general plan a policy recommending all new residential and non-residential developers contact SCE early in the design/development process to determine additional energy efficiency measures that can be incorporated into the project's design.
- Land Use Element: SCE would like to recommend that the City consider a policy requiring specific plans to include a discussion of electricity provision in their infrastructure elements and/or utility discussions and to encourage developers of both specific plans and large scale residential and non-residential development to contact SCE early in the planning process to ensure prompt electricity planning to serve the development.
- Land Use Element: SCE suggests that the City of Victorville consider a general plan policy that would discourage developers from proposing the incorporation of SCE easements into required open space, trails and recreational areas of specific plans.

Response to Comment 3.2: Ms. Johnson's comment addresses the General Plan, and does not address the content or findings of the DEIR. This comment will be forwarded to the City Council for their consideration along with the proposed General Plan 2030. However, as points of information for Ms. Johnson, the City does as part of its standard development plan processing, encourage developers to employ renewable energy sources and to expeditiously contact all service providers, including SCE. The proposed Resource Element notes that Los Angeles Department of Water and Power (LADWP) has indicated that bicycle paths and pedestrian trails may occur within its easements. The proposed General Plan does not contain policies encouraging sensitive uses within SCE rights-of-way. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

September 29, 2008

Received
SEP 30 2008
Development Dep

Client-Matter: 29255-060

VIA U.S. MAIL AND E-MAIL: CBORCHERT@CI.VICTORVILLE.CA.US

Mr. Chris Borchert
Assistant Director of Planning
City of Victorville
P.O. Box 5001
14343 Civic Drive
Victorville, CA 92395-5001

**Re: General Plan 2030 Draft Program Environmental Impact Report (SCH
No.2008021086)**

Dear Mr. Borchert:

We represent FGFW IV, LLC ("FGFW") the owner of approximately 200 acres of property in the City of Victorville, generally located in the North Mojave Planning Area of the City. As the General Plan 2030 update will affect the future use and development of our property, we have reviewed the General Plan 2030 Draft Program Environmental Impact Report ("DEIR") and submit these comments for the City's consideration. It is our view that the DEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA") (Public Resource Code §§ 21000-21178) and the California Code of Regulations, Title 14, Section 15000 et seq. (the "CEQA Guidelines").

1. PROCEDURAL ISSUES.

- a. **Notice of Availability** – In a letter dated March 14, 2008, our law firm sent the City comments on the City's DEIR's Notice of Preparation ("NOP.") That letter is included in Appendix B of the DEIR. We requested to be added to the list of those who receive notices regarding the General Plan 2030, any associated Specific Plans, and the DEIR.

Public Resource Code Section 21092 makes it clear that lead agencies preparing environmental impact reports "shall" provide notice "to the last known name and address of all organizations and individuals who have previously requested notice" (Pub. Res. Code §21092.) Among other things, this notice must include: (a) the period during which comments will be received on the draft environmental report; (b) the date, time, and place of any public meetings or hearings on the proposed project; (c) a brief description of the proposed project and its location;

895 Town Center Drive, 14th Floor, Costa Mesa, California 92626-1924 Telephone: 714.371.2500 Fax: 714.371.2550
Albany | Los Angeles | New York | Orange County | Palo Alto | Sacramento | San Francisco | Washington, D.C.

Mr. Chris Borchert
September 29, 2008
Page 2

and (c) the address where copies of the draft environmental impact report, and all documents referenced in the draft environmental impact, are available for review. (Pub. Res. Code §21092.)

Despite our written request, the City failed to provide notice to FGFW in compliance with Section 21092 and raises serious concerns about the City's diligence in keeping concerned members of the public fully informed regarding this very significant project.

- b. **The 45-day CEQA Public Comment Period** – There has been great confusion regarding the beginning and end dates of the CEQA-mandated 45 day comment period for the DEIR. According to CEQAnet, the State Clearinghouse's online environmental database, the DEIR comment period began on August 15, 2008 and will end on September 29, 2008. However, those dates are at odds with the DEIR itself, which states that the "... 45-day public review period will begin on or about August 18, 2008 and end on or about October 2, 2008." (DEIR, 1-5.) Amazingly, neither of those dates agree with the City's Notice of Availability which states that the "public review period for the DEIR will begin on or about August 15, 2008, and will end on or about October 1, 2008." In short, three CEQA sources all established different dates for the 45-day comment period.

Recent phone and e-mail discussions with City staff did little to shed light on this confusion. In a September 22, 2008, phone conversation, we were told by Victorville Planning Division staffer Heather Grounds that October 1st was the last day of the DEIR comment period. Ms. Grounds then amended that response in an email sent the following day, writing "you had called yesterday regarding when comments are due and I gave you the wrong information. Comments are due back by September 29, 2008 per State Clearing House [*Sic*]."

Ultimately, we have decided to take the conservative approach and submit our comments on September 29, which is the earliest of the three dates that may constitute the end of the 45-day comment period. However, we are concerned that other members of the public who are similarly confused will submit comments as late as October 2, as permitted by the DEIR. We trust that such comments will be considered timely by the City and responded to in writing as required by CEQA.

- c. **Agency Consultation** – For projects of statewide, regional, or areawide significance, such as General Plan amendments where EIRs are prepared, "the lead agency shall consult with transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project." (Pub. Res. Code § 21092.4(a).) The term

Mr. Chris Borchert
September 29, 2008
Page 3

“transportation facilities” is defined to include “major local arterials and public transit within five miles of the project site and freeways, highways, and rail transit service within 10 miles of the project site.” (Pub. Res. Code § 21092.4(b).) Therefore, at a minimum, consultation was required with the transportation planning agencies for the County of San Bernardino, the cities of Adelanto and Hesperia, and the Town of Apple Valley—all of which are proximate to the City of Victorville. We believe that consultation with the San Bernardino Associated Governments (“SANBAG”), as well as the agencies and entities controlling the rail facilities located within the City must also occur.

The DEIR does not disclose which transportation planning agencies were consulted in connection with the Project, or whether such consultation complied with Public Resources Code Section 21092.4. We request that the Final EIR include a list of agencies consulted and any comments from those agencies. If the appropriate agencies under Section 21092.4 were not consulted, then certification of the Final EIR and action on the General Plan 2030 should be continued until such time as all those agencies have been consulted regarding the potential impacts of the Project on their transportation facilities.

- d. **Program EIR** – The DEIR is characterized as a Program EIR (DEIR at 3-40). The characterization of the DEIR as a Program EIR cannot be used to improperly defer analysis of reasonably foreseeable impacts. Since more detail is known about the proposed specific plan areas than is consistently disclosed, and since an intended use of the DEIR is to support subsequent approval of specific plans, the DEIR’s analysis should include consideration of these land uses and their potential impacts as part of this DEIR and not defer them to subsequent environmental review.

2. **ENVIRONMENTAL IMPACTS**

Our comments with respect to the analysis of the potential impacts of the General Plan 2030 are set forth in the following sections, which are organized to correspond with the DEIR.

a. **Chapter 1.0, Introduction**

- **Desert Gateway Specific Plan** – At page 1-2, the DEIR states that “All of the existing northern sphere is to be zoned Specific Plan” and therefore the review and assessment of the potential impacts associated with the rezoning are incorporated into EIR discussions.” We understand that the DEIR is intended to support the Specific Plan that is being prepared for the Northern Sphere Area (referred to in the DEIR as the “Desert Gateway Specific Plan” or the “North Mojave Specific Plan”), which will be submitted to the City for

Mr. Chris Borchert
September 29, 2008
Page 4

consideration at some future point in time. This fact is not made clear in DEIR Section 1.2, *Scope of the EIR*. None of the project's "five primary components" specifically address that the DEIR is intended to not only address the proposed Specific Plan zoning, but also the impacts associated with future adoption of the Specific Plan for that area. In fact, the DEIR goes so far as to explain that it does not include water consumption demand figures for the Desert Gateway Specific Plan area. (Page 5.8-7.) Because this DEIR is intended to provide environmental review for the subsequent adoption of the Desert Gateway Specific Plan, the DEIR should be revised to include this analysis.

b. Chapter 3.0, Project Description

- **Section 3.3.2 (p. 3-8 - 9)** – This section references the rezoning of the Northern Sphere of Influence but provides no details as to the land uses that will be considered within this area. Elsewhere in the DEIR different assumptions are made with respect to some of the uses that will be permitted in this area (compare Table 3-3 with Figure 3-11) but a complete description of the type, intensity and location of the various uses is not disclosed. Absent this information, the DEIR cannot adequately address the impacts of the rezoning of this significant portion of the General Plan.
- **Section 3.3.3 (p. 3-9 – 10)** – Similar issues exist with respect to the Northern Expansion of the Sphere of Influence (compare Table 3-4 with Figure 3-16).
- **Table 3-5 (p. 3-24 – 25)** - Table 3-5 on page 3-25 contains incorrect data that undermines the DEIR's analysis. This table purports to illustrate the General Plan 2030 land use acreage designations by acreage and development intensity. However, its figures do not add up when compared against the ten planning area tables on pages 3-27 through 3-32. For instance: (a) the total Commercial acreage in Table 3-5 should be 6,624, not 7,014; (b) total Light Industrial acreage should be 5,238, not 5,234; (c) total Open Space acreage should be 22,348, not 22,536; and (d) the total Specific Plan acreage should be 23,028, not 22,172.
- **North Mojave Specific Plan Area (p. 3 – 35)** – This section also fails to identify land uses and intensities for this area and instead purports to defer this issue to the time of development. As noted above, some detail is known about the proposed development of this area and it should be disclosed and analyzed in the DEIR.

Mr. Chris Borchert
September 29, 2008
Page 5

- **Northern Expansion Planning Area (p. 3-35 – 36)** – More detail is provided for the Northern Expansion Planning Area but there is still a lack of information as to the location of the various proposed uses. Absent this information the potential impacts from the development of these areas cannot be ascertained.

These errors are not meaningless. The project description forms the foundation for the entire DEIR, so it is essential that it is accurate. As stated by the court in *County of Inyo v. City of Los Angeles*, “Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *Sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; emphasis added.)

These errors in the Project Description must be corrected and the Final EIR must revise and correct its analysis to ensure that the DEIR’s environmental analysis accurately reflect the project and all of the proposed discretionary actions it is intended to cover.

c. Chapter 4.0, Existing Setting

- **Chapter 4.8, Cumulative Projects** - The list of cumulative projects is under inclusive. Without discussion or explanation, the DEIR limits the cumulative projects list to projects that are “... over 200,000 square feet in space or of a regional nature.” (DEIR at 4-13.) The DEIR concludes that just six projects fit into this narrow category.

Generally speaking, CEQA allows lead agencies to choose among two approaches to a cumulative impacts analysis: the “List of Projects” method and the “Summary of Projections” method. The DEIR employs the List of Projects method, whereby analysis is required to be based on a “... list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.” (CEQA Guidelines §15130(b)(1)(A).) With regard to this approach, the CEQA Guidelines provide that “factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type ... Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.” (CEQA Guidelines §15130(b)(2).)

Mr. Chris Borchert
September 29, 2008
Page 6

Here, the DEIR limits the List of Projects to those “over 200,000 square feet in space or of a regional nature.” (DEIR at 4-13.) No substantial evidence is provided in support of this restriction, and the DEIR does not disclose what constitutes a project of a “regional nature.” Nor does the DEIR explain how the six identified projects: Desert Xpress, SCLA Industrial, SCLA Rail Spur, Hybrid Gas and Solar Power plant, Wal-Marts, and the Victorville Pavilion Retail Center — qualify for inclusion.

With so little information, the public is left to wonder how many projects of 199,999 square feet or less that were not deemed to be of a “regional nature” are pending or approved by the City or by surrounding cities and the County of San Bernardino? What is the collective size of the omitted projects? In *San Franciscans for Reasonable Growth v. City and County of San Francisco*, the court found that the omission of 60% of cumulative projects that should have been included in the List of Projects was too great to be allowed. (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61.) The court determined that “[a]n omission of such magnitude inevitably renders an analysis of cumulative impacts inaccurate and inadequate because the severity and significance of the impacts will, perforce, be gravely understated.” (*San Franciscans for Reasonable Growth*, 151 Cal.App.3d at 78.) Here, we simply do not know how many cumulative projects were omitted, or whether those omissions are so great as to invalidate the entire cumulative impacts analysis.

d. Chapter 5.1, Aesthetics Resources

- **Mitigation Measures** - Mitigation Measures AES-1 and AES-2 are vague and inadequate. Measure AES-1 states that “[t]he City shall endeavor to preserve natural open spaces” while Measure AES-2 states “[t]he City shall work with developers to retain areas in new developments which are not suitable for habitable structures as open space.” (DEIR at 5.1-1.) Neither measure is sufficiently definite for the City to determine that it will reduce or avoid an Aesthetics Resource impact. These loose standards make it impossible for the lead agency—much less the public—to evaluate the effectiveness of either measure in mitigating the impacts identified in the DEIR.

e. Chapter 5.3, Air Quality

- **Construction Related PM 2.5 Air Quality Impact Analysis** - The DEIR sets forth two different approaches for calculating PM-2.5 emissions, but does not provide substantial evidence to support its decision to favor one approach over

Mr. Chris Borchert
September 29, 2008
Page 7

another. In fact, the DEIR fails to so much as state which of the two different approaches it used.

On page 5.3-14, the DEIR states "PM-2.5 emissions are estimated by the SCAQMD to comprise 20.8 percent of PM-10. Other studies have shown that the fugitive dust fraction of PM-2.5 is closer to 10 percent. With mitigation, PM-2.5 emissions during grading will be reduced to 27 pounds per day." What standard was used to reach the 27 pounds per day conclusion? Why was that standard chosen? This analysis creates more questions than answers.

- **Construction Related Air Quality Impact Analysis** - According to the DEIR, "[e]quipment exhaust emissions were calculated presuming that grading will be balanced on-site." (DEIR 5.3-14.) This is a major assumption considering the varied topography of the General Plan area. Nevertheless, the DEIR provides no authority for this assumption, much less any substantial evidence to support its accuracy or relevance.
- **Greenhouse Gas Emission Impact Analysis** - The Greenhouse Gas ("GHG") Emission Impact Analysis "assumed that non-CO2 GHG emissions are negligible." This bold assumption is not supported by substantial evidence in the DEIR. Although carbon dioxide ("CO2") is the most widely emitted GHG, it is not the *only* GHG. Instead, GHGs include, but are not limited to: water vapor, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. In addition, many other compounds have the potential to contribute to the greenhouse effect, including hydrochlorofluorocarbons, 1,1,1-Trichloroethane, chlorofluorocarbons, and ozone. To be adequate, the DEIR must provide detailed analysis on the Project's potential contribution of all GHGs, not simply CO2. A legally sufficient environmental review demands more than an unsupported assumption that non-CO2 GHG emissions are negligible.

The DEIR's GHG analysis proceeds to compare its CO2-only project construction emission estimate against the 2004 statewide annual GHG inventory. The problem with that comparison is that, unlike the DEIR's GHG analysis which omitted non-CO2 GHG emissions, the statewide inventory includes *all* non-CO2 gases. This "apples to oranges" comparison is therefore meaningless. It would be like comparing roadway traffic on two days, except that the first day only counted sedans while the second day counted sedans, trucks, SUVs and motorcycles.

- **San Bernardino County Settlement Agreement** - The General Plan and DEIR fail to reflect the Greenhouse Gas Emissions Reduction Plan measures

Mr. Chris Borchert
September 29, 2008
Page 8

agreed upon in the August 2007 settlement agreement between the California Attorney General and San Bernardino County. That settlement agreement resolved a lawsuit filed by the Attorney General contesting the adequacy of San Bernardino's General Plan under CEQA. Specifically, the Attorney General alleged that the San Bernardino General Plan did not adequately analyze the effects of development on global warming or identify feasible mitigation measures.

Under the August 2007 settlement agreement, the County agreed to prepare a Greenhouse Gas Emissions Reduction Plan that would include, among other things: (a) an inventory of all known, or reasonably discoverable, GHG sources in the County; (b) a baseline inventory of the GHGs currently being emitted in the County from all source categories; (c) an inventory of the GHG emissions level in the County in 1990, currently, and projected for 2020; (d) a projected inventory of the new GHGs that can reasonably be expected to be emitted in the year 2020 due to the County's discretionary land use decisions pursuant to the County's General Plan Update; and (e) a target for the reduction of emissions attributable to the County's discretionary land use decisions and its own internal government operations.

Although Victorville is a separate jurisdiction, it is geographically located within the County of San Bernardino, and the settlement agreement and its mandates should have been considered by the City in preparing its General Plan 2030 and in conducting its GHG analysis in the DEIR. The City's proposed General Plan 2030 barely acknowledges climate change and greenhouse gases, much less the Greenhouse Gas Emissions Reduction Plan. The core of the General Plan's GHG discussion is the following description of GHGs:

"Recent legislation in the state of California has focused on reducing emissions of 'Greenhouse gases' (GHGs), and so called [*sic*] because of their role in trapping heat near the surface of the earth. GHGs are commonly referred to as 'global warming.' These greenhouse gases contribute to an increase in the temperature of the earth's atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for

Mr. Chris Borchert
September 29, 2008
Page 9

approximately half of GHG emissions globally. Industrial and commercial sources are the second largest source of GHG emissions with about one-fourth of total emissions.” (Resources Element, page 30.)

Obviously, this brief definition does not speak to any of the key measurements outlined in the Greenhouse Gas Emissions Reduction Plan for San Bernardino County. The Resource Element also includes a number of Implementation Measures to support its Goal #6 (“Good Air Quality”), but these are general in nature. For instance, they do not set forth measurable and enforceable strategies to decrease current emission levels to 1990 levels by 2020, as mandated by AB 32.

Although the DEIR contains more detail on climate change and GHGs than the General Plan 2030, it still fails to adequately analyze the adverse effects of the General Plan’s implementation on air quality and climate change. The DEIR’s climate change analysis is essentially a punt, stating that “[a]ny project-specific contribution to the global issue is miniscule” and that “[i]n the absence of any definitive thresholds of significance, the GHG emphasis on a project-specific level is to incorporate project design features that reduce energy consumption and reduce vehicular travel as much as is reasonably feasible.” Although such project design features are helpful, they do not speak to any of the key measurements outlined in the Greenhouse Gas Emissions Reduction Plan.

The failure of the General Plan and the DEIR to address the Greenhouse Gas Emissions Reduction Plan is indefensible considering that, as a city in San Bernardino County, Victorville’s General Plan should reflect the same or similar measures as the County agreed to in the settlement agreement as its air quality and GHG will contribute to those being measured by and targeted for reduction by the County. Instead, as demonstrated above, the General Plan 2030 includes *none* of those measures.

- **Objectionable Odors** - The DEIR concludes that the Project would have a “less than significant” objectionable odor impact because the General Plan’s land use plan’s numerous non-residential areas “tend to be concentrated geographically to minimize interface with residential areas.” That may make sense if it were true—but it is not. On the preceding page 5.3-21, the DEIR clearly states that “[t]he proposed Land Plan includes several geographical areas where residential and nonresidential land uses abut each other” and

“numerous geographical areas where expanded or new roadways are located adjacent to residential and recreational uses.” The objectionable odor analysis must be revised to address these adjacent land uses.

f. Chapter 5.4, Biological Resources

- **Conflict with Local Policies or Ordinances** - The DEIR discusses protection of Joshua trees, which are protected by Chapter 13.33 of the Victorville Municipal Code. However, the DEIR does not state whether there are any other applicable local policies or ordinances protecting biological resources. The applicable Biological Resources threshold asks whether the Project “Conflict[s] with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.” (DEIR at 5.4-31.) Conflict with a tree preservation ordinance is merely one example of a conflict—it is not the only conflict. Therefore, while the DEIR’s discussion regarding protection of Joshua trees speaks to the threshold, it does not completely answer the question.

According to the CEQA Guidelines, “A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, *non-compliance with which means the effect will normally be determined to be significant by the agency* and compliance with which means the effect normally will be determined to be less than significant.” (CEQA Guidelines § 15064.7, emphasis added.) Here, the DEIR does not present substantial evidence to conclude compliance with the applicable Biological Resources threshold. Unless additional evidence is presented to support its conclusion, the DEIR should find this impact to be significant.

- **Mitigation Measure BIO-5** - Mitigation Measure BIO-5 provides as follows: “Prior to permitting conversion of undeveloped land in the Northern Expansion Area, the City shall ensure that appropriate biological surveys and assessments are conducted, and if warranted, adequate mitigation is provided to reduce biological resource impacts to less than significant to the greatest extent possible.” (DEIR at 5.4-41.)

BIO-5 appears to violate *Sundstrom v. County of Mendocino* (202 Cal. App. 3d 296 (1988)) because it defers identification and analysis of potential Special Status Plant and Wildlife Species impacts, as well as specific mitigation, to a future date. If this DEIR were solely prepared to support adoption of the General Plan 2030, such level of mitigation may be sufficient, but as noted in the Introduction, this DEIR is intended to support approval of

development in the Northern Expansion Area, and thus the DEIR should have made some attempt to ascertain the nature of biological resources present, and the magnitude of impact as well as the feasibility of mitigating the impact of converting undeveloped land to development before concluding that the impact is less than significant. The City, as the Lead Agency, must commit itself to measures that establish standards and specific performance criteria by which mitigation will be developed and implemented. Such an approach is consistent with the holding in the *Sacramento Old City Association*, where the court found that measures which identify specific performance criteria can be upheld if there is a firm agency commitment to implement these measures to mitigate impacts. (*Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011.)

g. Chapter 5.8, Hydrology and Water Quality

- **Victorville Water District (p. 5.8-6)** -- This section references the Water Supply Assessment for the General Plan 2030. This document is not attached to the DEIR and is not appropriately incorporated by reference. [citations] A review of the Water Supply Assessment reveals that it is woefully inadequate. While it purports to comply with the provisions of the Water Code relating to water supply assessments it falls far short. In particular, since ground water is the primary source of supply, the detailed information on groundwater is required by Water Code Section 10910(f). This information and analysis is completely lacking. Moreover, because the groundwater basin is in an overdraft condition and because recharge of the basin relies almost entirely on State Water Project water, a thorough analysis of the reliability of State Water Project Water and the potential availability of alternative water supply. This analysis is almost completely lacking and fails to meet the standards set by the Supreme Court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412 (2007).
- **Water Consumption (p. 5.8-7)** -- The WSA and the water consumption analysis in the DEIR fails to include major portions of the project area identified as the SCLA and Desert Gateway Specific Plan areas. This data needs to be included in the analysis in order to comply with standards for water supply analysis as set forth by the California Supreme Court in *Vineyard*. Moreover, the Water Supply Assessment grossly underestimates future demand even for the areas it considers. The Water Supply Assessment assumes a annual growth rate of 3.4%. Applying this rate to the 2005 population of Victorville (102,538) yields a built-out population of 236,537 in the year 2030. In contrast, the City's projects set forth in the Section on

Mr. Chris Borchert
September 29, 2008
Page 12

Population and Housing indicates a built-out population of 407,534 (Table 5.12-5). This renders the information in the Water Supply Assessment and the portions of the DEIR that rely on it useless.

- **Water Supply Assumptions** - Several of the “Less than Significant” conclusions repeated throughout Section 5.8 rely on extraordinary assumptions that lack support. These assumptions require the City to engage in exactly the sort of speculation that is specifically prohibited by CEQA. (See, e.g., Pub. Res. Code §§21080(e)(2), 21082.2; CEQA Guidelines §§ 15064(f)(5), 15145, 15187(d), and 15384.)

First, the conclusions set forth in Section 5.8 assume the timeliness of a water treatment plant anticipated to come online in 2020. According to the DEIR, “[s]everal sites for the facilities are being considered at this time; the decision will be based on the best hydraulically suited site, taking into account land availability.” (DEIR, 5.16-42.) Given the precarious position of California’s budget and the acknowledged lack of certainty regarding the location of this facility, it is speculative *at best* to assume that the water treatment plant will be online in 2020.

Second, the “Less than Significant” conclusion assumes that anticipated production will occur from ID1 and ID2 groundwater wells in excess of safe yield. According to the DEIR, pumping beyond the safe yield of an aquifer requires replenishment fees or purchase of water rights from other agencies in the sub-basin. (DEIR, 5.16-27.) In other words, it takes money. The DEIR is silent as to the funding source for these water rights or even if water or water rights would be available for purchase. Again, there are simply too many “ifs” to support the DEIR’s yield assumption.

Third, the DEIR’s water supply analysis assumes that the Regional Recharge and Recovery project (R3) will be online by 2015 and will provide 12,098 afy. Although the DEIR notes that the MWA is in charge of constructing this facility, it is silent as to the MWA’s progress on securing funding or required development approvals.

Finally, the DEIR assumes that sufficient imported entitlements for State Water Project water can be secured to construct a new Water Treatment Plant by 2020 that would deliver up to 44,806 afy of treated water during normal years, 33,156 afy during single dry years, and 17,519 afy during multiple dry years. This assumption lacks any support in the DEIR. The DEIR does not discuss how such entitlements will be obtained, how they will be funded, or

Mr. Chris Borchert
September 29, 2008
Page 13

whether they will supply the promised quantities of water during normal, single dry, and multiple dry years. As noted above, there are serious issues with the reliability of State Water Project water supply, yet almost all future growth would be dependent on the availability of State Water Project water. Here, again, the DEIR is asking the public to make several giant leaps of faith.

CEQA does not allow lead agencies to consider speculation or argument as substantial evidence in any CEQA environmental analysis. (*See, e.g.*, Pub. Res. Code §§21080(e)(2), 21082.2; CEQA Guidelines §§ 15064(f)(5), 15145, 15187(d), and 15384.) Assumptions are permitted, but only when they are “reasonable assumptions predicated upon facts.” (*See, e.g.*, Pub. Res. Code § 21082.2.) As demonstrated above, the DEIR does not make “reasonable assumptions predicated upon facts.” Instead, it relies on best-case scenarios for which no substantial evidence is provided in the DEIR. This approach was specifically rejected in the *Vineyard* case. This analysis must be updated to meet the criteria set forth by the Supreme Court.

h. Chapter 5.9, Land Use and Planning

- **Section 5.9.2.1 (p. 5.9-3)** – This section indicates that the zoning ordinance is intended to give “moderate guidance” as to the location of development “without restricting its location or intent.” If true this would be an unusual function for a zoning ordinance which is typically the most precise mechanism for determining the location and intensity of development. Absent precision in this area the planning documents for the City appear to be so vague as to make it virtually impossible to evaluate the impacts of the build-out of the general plan. Please confirm if this characterization is accurate and if it is, what assumptions have been made with respect to the location and intensity of the land uses in the general plan.
- **Implementation Measures 1.1.2.5 (p. 5.9-6)** – This implementation measure indicates that the northeast quadrant is to be developed with commercial and mixed uses. This seems to be inconsistent with the various assumptions in the DEIR for this area. Please explain.
- **Implementation Measures 1.1.3.2 (p. 5.9-7)** – This implementation measure injects consideration of yet another uses within the North Mojave Planning Area which is apparently not analyzed in the DEIR.
- **North Mojave Specific Plan Area (p. 5.9-14)** – This description of the North Mojave Specific Plan Area emphasizes maximization of commercial and open

Mr. Chris Borchert
September 29, 2008
Page 14

space uses. Another inconsistent reference to the components of the development of this area. It is apparent that much more is known about the proposed development of this area than is disclosed in the DEIR. The assumptions with respect to the development of this area need to be clearly spelled out and analyzed in the DEIR. The attempt to defer consideration of these impacts to subsequent environmental review is improper.

- **Impact Discussion (p. 5.9-19)** – This section identifies yet another range of land uses for the North Mojave Specific Plan Area.
- **Table 5.9-4 (p. 5.9-20 – 25)** – This Table purports to include an analysis of the Land Use Element and SCAG RCPG policies. In fact the analysis lacks evidentiary support and instead reflects a lack of consideration of regional factors. For example in addressing whether the City's infrastructure is consistent with SCAG regional growth policies, the City only considers infrastructure within the City and not the region (Policy 3.03, p. 5.9-29). In most cases the City responds to the SCAG policies by referencing General Plan Land Use Goal #1: Balanced Land Uses. In fact, the massive increase in growth proposed by the 2030 General Plan is likely to be inconsistent with SCAG regional growth policies. A good faith reasoned analysis of this issue is required.

i. Chapter 5.10, Mineral Resources

- **MRZ-3a Classification** – The DEIR fails to identify the extent of mineral resources in the Project area and therefore does not sufficiently analyze the Project's impact on those resources. As seen in Figure 5.10-1, the vast majority of the Project area is either (a) not assigned a classification from the Division of Mines and Geology; or (b) assigned the MRZ-3a classification. The DEIR explains that the MRZ-3a classification applies to "Areas containing known mineral occurrences of undetermined mineral resource significance" and that "Further exploration work within these areas could result in the reclassification of specific localities into MRZ-2A or MRZ-2b categories." (DEIR at 5.10-2.) In other words, the MRZ-3a classification means "we don't know yet – we'll get back to you." It is impossible to ascertain the extent and magnitude of any mineral resource impact when the vast majority of the Project area is either not classified or subject to a deferred classification.
- **Mitigation Measure MR-1** - Mitigation Measure MR-1 is impermissibly vague. The measure states, in full, that "Prior to any development occurring along the Mojave River corridor in the Northern Expansion Area, the

Mr. Chris Borchert
September 29, 2008
Page 15

applicant shall submit for City Development Services Director review and approval a geologic study identifying potential mineral resources. Every attempt shall be made to preserve these resources in place.” The promise to make “every attempt” to preserve identified mineral resources is so undefined that it is impossible to evaluate its effectiveness in mitigating the impacts identified in the DEIR. (See, e.g., *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79-80.)

j. Chapter 5.11, Noise

- **General Comment** – The required components of the noise element are set forth in Government Code Section 65302(f). Among the required components is the inclusion of noise contours for specified noise sources. With the exception of contours for the SCLA, no noise contours are provided in either the DEIR or the Noise Element. This is a critical shortcoming because these contours are to be used to establish land use patterns that minimize the exposure of residents to excessive noise.
- **Vehicular Noise Impacts (p. 5.11-15)** – The average speeds used in the noise study for the various roadway configurations are unrealistically low. Realistic speeds should be included in this analysis.
- **Table 5.11-6 (p. 5.11-15)** – This table is confusing and incomplete. The conclusions drawn in the paragraphs following the Table cannot be discerned by reference to the Table. Additional evidence of noise impacts from traffic needs to be provided.
- **Tables 5.11-7 (p. 5.11-17 – 32)** - These table purport to show numerous instances where the thresholds of significance will be exceeded. Without a description of the width of the right-of-way this information is not discernable from the Tables. The right-of-way width for each segment should be noted in the Tables and the segments where the thresholds may be exceeded should be highlighted so that the information provided is a value to the reader.
- **Impact Discussion (p. 5.11-33)** – This section concludes that there will be no significant noise impact due to the Implementing Measures from the General Plan, the fact that the SCLA area is designated Specific Plan and the existing cement operations retains a Heavy Industrial designation. This conclusion is not supported by substantial evidence. The Implementing Measures cited only pertain to freeways and roads that exceed 100,000 vehicles per day (50,000 vehicles per day for rural roads), sensitive uses in the vicinity of distribution centers and rail yards. Other sensitive users and noise sources are

Mr. Chris Borchert
September 29, 2008
Page 16

ignored. The fact that the SCLA area is within a Specific Plan area is meaningless as no development standards exist for this area addressing noise impacts. No evidence is provided with respect to the potential for noise impacts on areas adjacent to the Heavy Industrial designations. Finally, this finding is inconsistent with the finding in the next impact discussion that projected General Plan growth will result in unacceptable levels of service and resulting increases in noise levels for a number of roadway segments.

- **Section 5.11-4.4 (p. 5.11-35)** – This section fails to identify any mitigation measures for noise impacts due to increases in ambient noise. It also fails to identify any potential noise mitigation measures that were considered yet found to be infeasible. There are obvious mitigation measures that should be considered such as increasing set-back requirements for noise sensitive uses, the construction of noise walls such as is done along freeway rights-of-way all the time, retroactive installation of double pane windows, air conditioning and other construction techniques that could reduce noise impacts. These need to be considered, and if feasible, added as mitigation measures.
- **Cumulative Impacts (p. 5.11-37)** – Similar mitigation measures should be considered for addressing cumulative impacts.

k. Chapter 5.12, Population and Housing

- **5.12.1.3 (p. 5.12-4)** – This Section notes that Victorville’s jobs-to-housing ratio (.66) is only half that of the region. The massive population growth projected for the General Plan 2030 buildout continues the pattern of housing rich development. This projected growth exceeds the SCAG regional planned growth by 124%. While no mitigation measures are identified to mitigate this impact, it cannot help but be noted that the increase is a project component that the City has elected to pursue. Why did the City not consider plan that addresses regional growth and jobs-to-housing objectives.
- **Regional Policies (p. 5.12-12)** – Given the fact that the projected growth exceeds SCAG projections and fails to remedy the jobs-to-housing imbalance, there is not evidence to support the conclusion that Goals #1 and #2 of the Land Use Element are consistent with SCAG regional policies. Contrary to the statement in this section, General Plan 2030 would induce substantial population growth. But for the typo in the last paragraph of this section, this statement would have been specifically contradicted. It is disingenuous to cloud this conclusion by distinguishing between growth within existing City boundaries and the General Plan planning area. This is not an unavoidable impact as proper planning would eliminate this impact.

Mr. Chris Borchert
September 29, 2008
Page 17

- **Cumulative Impacts (p. 5.12-13)** – As noted above, this impact is not unavoidable.

1. **Chapter 5.13, Public Services**

- **General Comment** – Given the fact that no specifics are provided for the development of the various Specific Plan areas, this entire section is a meaningless generality. As noted above, more information is available as to the land use patterns for the Specific Plan areas than is revealed in the DEIR. This information needs to be provided so that meaningful analysis of the public service and facility needs for the Specific Plan Areas can be addressed.
- **Fire Protection (p. 5.13-9-10)** – To suggest that the massive population growth within the General Plan planning area will not indicate a need for new fire protection facilities, illustrates how the lack of detail for the Sphere of Influence areas distorts the analysis. The need for fire facilities within these areas is manifest and sufficient detail of proposed land uses should be provided so that these needs can be specifically addressed. Mitigation Measure PS-1 is nothing more than deferred mitigation which violates the requirements of CEQA. [citations]
- **Police Protection (p. 5.13-10)** – This section suffers from the same inadequacies as the Fire Protection Section. An increase from 86 to 342 sworn officers will undeniably require new police facilities. The potential impact from the construction of these facilities needs to be addressed.
- **School Facilities (p. 5.13-11)** – The addition of 86 new schools will be a significant impact. The potential siting and construction of these new schools needs to be evaluated. “Working with the school districts” is not mitigation.
- **Public Service Impact Summary (p. 5.13-12)** – The conclusion that the impacts on public services will be less than significant is not supported by substantial evidence. As noted the proposed mitigation measures simply improperly defer the consideration of impacts to a later date.
- **Mitigation Measures (p. 5.13-13 – 14)** – None of the proposed mitigation measures are real mitigation measures. They are all deferrals to future studies and the promise of cooperation with the other affected agencies. As a result the conclusion that impacts on public services will be less than significant is not supported by substantial evidence.

m. Chapter 5.14, Recreation

- **Section 5.14.4.1 (5.14-4)** – It should be pointed out that the Quimby Act only provides for the dedication of land or the payment of fees-in-lieu of land. No funding is provided for actual facilities. Also, if the City provides Quimby Act credit for private facilities, the potential for private facilities in lieu of public parks should also be addressed in this section.
- **Section 5.14.4.2 (p. 5.14-5)** – This section references a Park Master Plan. What will the Master Plan consist of. New recreational facilities will clearly be required and provided in conjunction with the build-out of the General Plan. What locational criteria will the City use for these facilities? What improvements are anticipated to be needed. All of these things should be considered in the DEIR. Absent this information, it cannot be concluded that there will be no significant impact on the environment.

n. Chapter 5.15, Transportation/Traffic

- **Existing Conditions (p. 5.15-2)** – This section notes that the inclusion of the High Desert Corridor is assumed in the 2035 Roadway Classification. The improvements which describe the High Desert Corridor should be identified. In addition some analysis of the funding of these improvements should be addressed to justify its inclusion in the 2035 projection. Why is the US 395 realignment not included?
- **Existing Traffic Conditions (p. 5.15-5)** – This section uses traffic counts from 2005. Given the tremendous growth the City over the past several years these counts are substantially out of date and do not represent the baseline condition.
- **Congestion Management Program (p. 5.15-35)** – What is the Nexus Study and why does compliance with its requirements eliminate the need for SANBAG review of CMP traffic analysis? Has the required Caltrans review been conducted?
- **Scope of Impact Analysis (p. 5.15-40 – 41)** – This section references a City standard of LOS C on non-CMP roadway segments and LOS D or better on all non-CMP intersections. For CMP segments and intersections the LOS is E or better. The current City standard is LOS C on all roadways. What is the justification for the relaxation of this standard? In addition these standards are inconsistent with the proposed General Plan. Policy 1.1.1 specifies an LOS of D on all intersections except for high activity areas as may be designated by

Mr. Chris Borchert
September 29, 2008
Page 19

the Planning Commission where an LOS of E is acceptable. This inconsistency should be reconciled. This section also references a threshold of two percent or more of impacts on already deficient intersections. General Plan Policy 1.1.2 provides that the City Traffic Engineer is to determine this threshold. Is this the City Traffic Engineer's determination? What is the basis of the determination. Most other jurisdictions use a one percent impact as the threshold.

- **Table 5.15-6 (p. 5.15-41)** - The number of trips set forth in this Table do not reflect the underlying assumptions used for this calculation. Do these figures include commercial and industrial square footage and dwelling units in the Specific Plan Areas? If so what are the assumptions utilized in making these calculations?
- **Table 5.15-8 (p. 5.15-43)** – What is the source of funding and the likelihood that these improvements will be in place by 2035? Why is the year 2035 used for these calculations when the balance of the General Plan is based on a 2030 build-out? Does this five year differential fail to account for impacts at 2030?
- **Impact Discussion (p. 5.15, 43)** - Yet another level of service is described in the paragraph following Table 5.15-8. There should be one standard and it should be consistent with the proposed General Plan.
- **Impact Discussion (p. 5.15-45 – 46)** – This section points out that thirty nine roadway segments in the Planning Area will experience unacceptable levels of service at General Plan build-out. The identified mitigation measures will not reduce these impacts to less than significant levels. It is apparent that the land use plan is too intense for the proposed circulation system. Either additional circulation improvements are required or a less dense plan should be considered.
- **Section 5.15.3.2 (p. 5.15-47)** – Similarly, this Section points out that the proposed General Plan would result in deficient levels of service at seven CMP intersections in violation of CMP policies. What is the consequence of violating these policies? Will circulation funding be lost to the City?
- **Section 5.15.3.5 (p. 5.15-49)** – This Section does not address parking policy, yet concludes that there will be a less than significant impact on parking. This conclusion is not supported by substantial evidence.
- **Cumulative Impacts (p. 5.15-50)** – The conclusion that cumulative impacts are unavoidable is not supported by substantial evidence. Additional

Mr. Chris Borchert
September 29, 2008
Page 20

circulation improvements or modified land use plans have the potential to avoid these impacts.

- **Mitigation Measures (p. 5.15-50 – 51)** – The proposed mitigation measures all refer to future studies or cooperation with other jurisdictions to address traffic impacts. These are not proper mitigation measures. There is no assurance the these studies or cooperative efforts will ever result in actual traffic mitigation. Moreover, the adequacy of fee programs and fair share contributions as a source of funding of any improvements that might be identified is not addressed. Absent a program for the funding and construction of these improvements, the impacts have not been mitigated appropriately. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.)

o. Chapter 5.16, Utilities and Service Systems

- **Section 5.16.1.3 Water Supply (p. 5.16-4 – 9)** – See comments on water supply addressed with respect to Section 5.8 Hydrology and Water Quality above. As noted above the analysis of water supply fails to meet the standards for the evaluation of water supply set forth by the California Supreme Court in the *Vineyard* case.
- **Section 5.16.1.3 Water Supply (p. 5.16-8)** – In addressing water supply deficiencies, the DEIR acknowledges that even with conservation existing extraction rates could result in a serious shortfall in as little as 10 years. Without alternative water sources, the supply of water within the aquifer will not keep up with consumer demand. Other than a brief discussion of water recycling, however, no potential alternative water sources are addressed. As noted above in the discussion of Section 5.8, State Water Project water has serious issues with respect to reliability.
- **Section 5.16.1.4 Landfills/Solid Waste (p. 5.15-11)** – The City's existing contract with the landfill expires in 2103. A comment is made that the City is concerned about aviation safety and the location of the landfill near the potentially expanding SCLA. It is suggested that the landfill close. Some discussion needs to be included as to the feasibility of closing the existing landfill and the alternatives that are available should closure occur.
- **Section 5.16.4.1 (p. 5.16-29)** – This section indicates that recycled water will be used for ground water recharge. There is no analysis of the impact of recycled water on groundwater quality. This should be analyzed.

Mr. Chris Borchert
September 29, 2008
Page 21

- **Section 5.16.4.1 (p. 5.16-30 -31)** – As noted above, the General Plan assumes that there will be a 20% reduction in groundwater extraction by 2021. There is no analysis of the feasibility of achieving this goal. Given this lack of analysis, there is not substantial evidence to support the finding of less than significant impact.
- **Section 5.16.4.2 (p. 5.16-31)** – This section relies on the 2008 Water Supply Assessment and the 2005 Urban Water Management Plan but, as noted above, these documents do not account for development within the SCLA or the North Mojave Specific Plan area and appear to grossly underestimate population growth compared to the General Plan projections. The section indicates that demand projections were updated to reflect the general plan area but that data is not included in the analysis. In addition, it is also noted that the ID2 demand factors were not updated to consider future conditions. This results in a significant analytical gap which is compounded by the fact that the City is already pumping beyond the safe yield of the aquifer. The impacts of overdraft and future development are critical to an adequate analysis of these issues. The lack of this information in an analysis is a fatal flaw in the DEIR as pointed out by the Supreme Court in *Vineyard*.
- **Section 5.16.4.2 (p. 5.16-35)** – DEIR concludes that without proper planning and conservation, new water and wastewater facilities could result in significant environmental impacts. These impacts are rationalized away by unsupported and seemingly unattainable assumptions set forth in the General Plan. There is no substantial evidence to support the conclusion that the impacts due to the construction of new water or wastewater treatment facilities or the expansion of existing facilities is less than significant.
- **Section 5.16.4.3 (p. 5.16-36 – 38)** – Similarly this section addressing the capacity of the wastewater provider to serve the projects projected demand suffers from a lack of substantial evidence. Reference is made to unspecified facilities that “may” be constructed and similarly relies on unsupported and fanciful assumptions to support a finding of less than significant impact. This analysis is inadequate.
- **Section 5.16.4.4 (p. 5.16-39 - 41)** – This section acknowledges that the existing and proposed drainage systems will be inadequate to accommodate the growth projected in the General Plan. As with the balance of this section of the DEIR, no analysis is provided to address this inadequacy. Rather vague references to future analysis and unidentified improvements are made in

Mr. Chris Borchert
September 29, 2008
Page 22

attempt to justify a finding of less than significant impact. As with the rest of this section, this analysis does not meet the standard for CEQA compliance.

- **Section 5.16.4.6 (p. 5.16-44 - 46)** – This section, while noting that the current agreement for landfill disposal expires in 2013, notes that the landfill has anticipated capacity until 2047 if expanded. No analysis is made of the impact of the massive new growth proposed by the General Plan on these capacity assumptions nor is there a reference to the potential need to relocate the landfill due to expanded SCLA operations.
- **Cumulative Impacts (p. 5.16-47 – 48)** – The lack of analysis in the foregoing portions of this section do not support the conclusion that the cumulative impacts of the project will be less than significant.

p. CHAPTER 7.0, Alternatives

- **Alternatives Analysis is Inadequate** – None of the five Project alternatives is sufficiently analyzed in the DEIR. The CEQA Guidelines require that “The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison” (CEQA Guidelines §15126.6.) Case law tells us that although “Absolute perfection is not required,” legally adequate alternative analyses are required to take “a ‘hard look’ at environmental consequences in recognition of the factors described in [Public Resources Code] sections 21000 and 21001.” (*Residents Ad Hoc Stadium comm. v. Board of Trustees* (1979) 89 Cal. App. 3d 274.)

The DEIR fails to take a “hard look” at environmental consequences of any of the Project’s five alternatives. Each alternative is allotted between four and five paragraphs *total* in which to: (a) describe the alternative; (b) discuss its impacts with respect to sixteen different environmental impact areas (traffic, air quality, noise, etc.); and (c) evaluate the comparative merits of the alternative and the Project. Predictably, all of that cannot be accomplished in such a short space.

Instead of presenting substantial evidence to support its conclusions, the DEIR’s alternatives analysis consists of broad conclusory statements that lack any evidence or substantiation. On several occasions, the DEIR provides no support at all for the impact conclusions it presents in Table 7-1 (*Project Alternatives Matrix*.) For instance, the Alternative 3 analysis provides zero

Mr. Chris Borchert
September 29, 2008
Page 23

discussion on impacts relating to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, public services, recreation, or utilities and service systems. This absence of analysis is mystifying since all twelve of those impacts are assigned the "Mitigation Feasible" designation in Table 7-1. Given the Project's dramatic impacts, it is not sufficient to make such generalized and unsubstantiated statements. The decision makers and the public should not be forced to guess why a given impact was determined to be "Mitigation Feasible."

Although the CEQA Guidelines allow the use of an alternatives matrix, that matrix is intended to "summarize," *not replace*, the detailed environmental impact comparison between the alternative and the Project. Such matrices are to be used as a shorthand tool to capture the key points of the larger analysis—not as a substitute a matrix for analysis. As a result, the DEIR does not contain sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Project, as required by CEQA.

As a final note, we find it is telling that only eight pages of the 575 page DEIR are devoted to the alternatives discussion, and that nearly two of those eight pages contain tables. That leaves less than six pages of actual analysis, constituting about 1% of the DEIR. As shown above, many, many more pages were needed to complete a legally adequate alternatives analysis.

3. CONCLUSION

FGFW believes that the environmental issues described above need to be addressed if the Project is to proceed. FGFW appreciates your consideration of these comments. Please do not hesitate to contact me at (714) 371-2528 if you have any questions.

Very truly yours,



Susan K. Hori
Manatt, Phelps & Phillips, LLP

cc: Mr. Thomas J. Rossitto

4. Commenter: Susan Hori, Manatt, Phelps & Phillips, LLP, representing FGFW IV, LLC ("FGFW"), dated September 29, 2008.

In response to the general tenor of Ms. Hori's letter, CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice for public review of the Draft EIR, but prior to certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that: (1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or (4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As presented in the following responses to Ms. Hori's comments, she appears to at times misunderstand the scope of the proposed General Plan 2030 project; and at other times, provides opinions that are not based on technical studies or substantiated findings, and are conclusory in nature. The comments provided by Ms. Hori do not provide "significant new information" requiring recirculation of the EIR. They do not identify a new significant environmental impact; they do not identify a substantial increase in the severity of an environmental impact; they do not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project; they do not provide substantiated evidence that the DEIR is inadequate.

Comment 4.1: Notice of Availability: In a letter dated March 14, 2008, our law firm sent the City comments on the City's DEIR's Notice of Preparation ("NOP.")...Despite our written request, the City failed to provide notice to FGFW.

Response to Comment 4.1: Sean Matsler, as stated representative for FGFW, is on the City mailing list relative to General Plan 2030. City of Victorville Development

Services apologizes that Ms. Hori did not receive the Notice of Availability as requested. However, staff understands that Ms. Hori has indeed received the DEIR within the required 45-day public comment period and has had ample opportunity to review and comment on the DEIR. This comment does not provide new significant information and does not demonstrate that the public was deprived of a meaningful opportunity to comment on the project. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.2: 45-Day CEQA Public Comment Period: There has been great confusion regarding beginning and end dates of the CEQA-mandated 45 day comment period for the DEIR...

Response to Comment 4.2: The State Clearinghouse sets the timeline for the 45-day CEQA public review period. As posted on State Clearinghouse's website (<http://www.ceqanet.ca.gov/>), the 45-day review period for the City of Victorville General Plan 2030 Draft Program EIR is from August 15, 2008 and September 29, 2008. Because EIRs for major projects are often prepared and scheduled to meet specific public hearing schedules, public notices (Notices of Availability and newspaper notices) are typically prepared in advance of Draft EIR distribution to State Clearinghouse. The date that State Clearinghouse logs in an EIR will depend on the time of day and day of week it receives the EIR submittal (e.g. a Friday or holiday submittal may not be logged into the next business day). Recognizing the day differences in notices for the General Plan 2030 DEIR, the City accepted public comments on the DEIR until October 2, 2008. As a counsel specializing in environmental complaints, Ms. Hori should be well familiar with this process and should not be so greatly confused. This comment does not provide new significant information and does not demonstrate that the public was deprived of a meaningful opportunity to comment on the project. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.3: Agency Consultation. For projects of statewide, regional or areawide significance, the lead agency shall consult with transportation planning agencies and public agencies which would be affected by the project.

Response to Comment 4.3: The Victorville General Plan 2030 is the result of a multiyear effort that included five public workshops and a scoping meeting. Responsible agencies, including transportation and public agencies with interest in the project, were invited to participate in those workshops. The January 25, 2006 General Plan workshop was held to specifically address arterial roadways and highways. Ryan Graham and Steve Smith representing SANBAG and Doug Hogue and Jim Balcom representing San Bernardino County participated in that workshop. In addition, all responsible agencies, including transportation and

public agencies with interest in the project received copies of the project Notice of Preparation and Notice of Availability. Appendix B of the DEIR includes comments received from the Department of Transportation and SCAG.

The traffic information presented in the DEIR was prepared based on a City Travel Demand Model, which is a sub-regional model of the SANBAG regional model, prepared through a coordinated effort between the City, SANBAG, SCAG and consulting traffic engineers.

Information regarding public agency participation is part of the public record for the project. At Ms. Hori's request, the list of transportation and public agencies contacted regarding the project is included below and incorporated within the project FEIR. This comment does not provide new significant information and does not demonstrate that the public was deprived of a meaningful opportunity to comment on the project. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

| | | |
|--|---|-------------------------------|
| Ms. Dena Smith, County Clerk of the Board of Supervisors | 385 North Arrowhead – 2 nd Floor | San Bernardino, CA 92415-0130 |
| California Department of Fish and Game | 3602 Inland Empire Blvd., Suite C-220 | Ontario, CA 91764 |
| Southern California Association of Governments | 3600 Lime Street, Suite 216 | Riverside, CA 92501 |
| Lahonton Regional Water Quality Board | 14440 Civic Drive, Suite 200 | Victorville, CA 92392 |
| County of San Bernardino Planning Department | 15456 W. Sage Street | Victorville, CA 92392 |
| San Bernardino County Solid Waste Management Div. | 222 W. Hospitality Lane, Second Floor | San Bernardino, CA 92415-0017 |
| San Bernardino County Department of Public Works – Transportation Division | 825 East third Street | San Bernardino, CA 92415 |
| City of Hesperia Planning Department | 15576 Main Street | Hesperia, CA 92345 |
| Mojave Water Agency | 22450 Headquarters Drive | Apple Valley, CA 92307 |

| | | |
|--|--|-----------------------------|
| Ms. Terry Roberts Governor's Office of Planning & Research | PO Box 3044 | Sacramento, CA 95812 |
| Nancy Jackson Southern California Edison | 12353 Hesperia Road | Victorville, CA 92395 |
| California Native American Heritage Commission | 915 Capitol Mall, Room 364 | Sacramento, CA 95814 |
| SANBAG | 1170 W. 3 rd Street, 2 nd Floor | San Bernardino, CA 92410 |
| Mojave Desert AQMD | 14306 Park Avenue | Victorville, CA 92392 |
| San Bernardino County Department of Public Works - Environmental Mgmt. Division | 825 East Third Street | San Bernardino, CA 92415 |
| San Bernardino County Board of Supervisors | 385 N. Arrowhead Ave., Second Floor | San Bernardino, CA 92415 |
| City of Adelanto Planning Department | 11600 Air Expressway | Adelanto, CA 92301 |
| Town of Apple Valley Planning Department | 14955 Dale Evans Parkway | Apple Valley, CA 92307 |
| Burrtec Waste Industries | 17080 Stoddard Wells Road | Victorville, CA 92394 |
| Verizon | 15055 La Paz Drive | Victorville, CA 92395 |
| Southwest Gas Corp. - Distribution Engineer Design | PO Box 1498 | Victorville, CA 92393 |
| LAFCO | 175 West Fifth Street, 2 nd Floor | San Bernardino, CA 92415 |
| Charter Communications | 12490 Business Center Drive, #1 | Victorville, CA 92395 |
| Mojave Desert Resource Conservation District | 14393 Park Avenue, #200 | Victorville, CA 92392 |

Comment 4.4: Program EIR. The characterization of the DEIR as a Program EIR cannot be used to improperly defer analysis of reasonably foreseeable impacts.

Response to Comment 4.4: The project reviewed through the DEIR addresses five primary components, which are clearly presented in both Sections 1 and 3 of the DEIR. These components include the rezoning of the City's existing northern

sphere area to "Specific Plan". The area and proposed land uses for the north sphere are described in Section 3.6 of the DEIR. As discussed in Section 5.9.4. of the DEIR, to ensure that future development of this northeast area maximizes its commercial and open space potential and coordinates installation of infrastructure, the General Plan 2030 Land Use Plan designates the majority of the North Mojave Planning Area as Specific Plan. This designation will require that prior to development, a unique set of land use and development standards are proposed and subsequently adopted by the City. The North Mojave Specific Plan would be required to conform to the General Plan. It would include a land use plan, circulation plan, infrastructure plan, development standards, design guidelines, phasing plan, financing plan, and implementation plan.

As clarification for Ms. Hori, in the City of Victorville, the General Plan Land Use Map serves as the zoning map for the City. As discussed in Section 5.9 of the DEIR, in cases where land has a General Plan designation of Specific Plan, the specific plan document provides the more focused guidance and regulation. Although the General Plan 2030 EIR is intended to provide environmental clearance for the rezoning of the North Mojave Specific Plan area, the review and approval of the specific plan document for that area would be a separate action subject to its own CEQA review and clearance.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.5: Desert Gateway Specific Plan: None of the project's "five primary components" specifically address that the DEIR is intended to not only address the proposed Specific Plan zoning, but also the impacts associated with future adoption of the Specific Plan for that area.

Response to Comment 4.5: As noted in Response to Comment 4.4, Ms. Hori appears to misunderstand the nature of the project. Although the General Plan 2030 EIR is intended to provide environmental clearance for the rezoning of the North Mojave Specific Plan area, the review and approval of the specific plan document for that area would be a separate action subject to its own CEQA review and clearance. Also, Ms Hori has obviously misread the information on page 5.8-7 of the DEIR, which notes that the historical data of water consumption does not contain on the Desert Gateway Specific Plan area. Because this area is currently largely undeveloped, base data was not available for preparation of the General Plan 2030 water supply assessment. However, as noted in Section 5.8.4.2 of the DEIR, the water demand projections included in the water supply assessment do include projected water supply for the project area, inclusive of the Desert Gateway Specific Plan area which comprises the boundaries of the North

Mojave Planning area. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.6: Section 3.0. Project Description: None of the project's "five primary components" specifically address that the DEIR is intended to not only address the proposed Specific Plan zoning, but also the impacts associated with future adoption of the Specific Plan for that area.

Response to Comment 4.6: This comment appears to repeat Ms. Hori's misunderstanding of the project. Although the General Plan 2030 EIR is intended to provide environmental clearance for the rezoning of the North Mojave Specific Plan area to "Specific Plan", the review and approval of the specific plan document for that area would be a separate action subject to its own CEQA review and clearance.

Table 3-5 presents the correct tabulation of proposed General Plan 2030 land uses. Technical studies prepared in support of and analysis contained in the DEIR are based on information contained in Table 3-5. Minor corrections to numbers contained in Figures 3.7 through 3.16 are presented below and are included as corrections to the DEIR text.

Table LU-1
GENERAL PLAN 2030 LAND USES BY AMOUNT OF ACREAGE
AND PERCENT OF ACREAGE

| Land Use Category | General Plan 2030 Acres |
|---|----------------------------|
| High Density | 2,256 |
| Mixed Density | 78 |
| Subtotal Residential | 37,880 |
| Office Professional | 352 |
| Commercial | 6,623 |
| Subtotal Commercial | 6,975 |
| Light Industrial | 5,233 |
| Heavy Industrial | 1,576 |
| Subtotal Industrial | 6,809 |
| Mixed Use-High Density | 609 |
| Public/Institutional | 1,231 |
| Open Space | 22,347 |
| Subtotal Public Institutional & Open Space | 23,578 |
| Specific Plan | 22,028 |
| TOTAL ACREAGES | 98,879 |
| Percent of Residential to Total Acres | 38% |
| Percent of Commercial to Total Acres | 7% |
| Percent of Industrial to Total Acres | 7% |
| Percent of Public Institutional & Open Space to Total Acres | 24% |
| Percent of Specific Plan to Total Acres | 23% |

**Table LU- 3
Land Use Acreage Designations by Acreage and Development Intensity**

CITY BOUNDARIES

| | Acres | Square Feet | Total Dwelling Units | Single Family Units | Multi-family Units |
|------------------------------|---------------|--------------------|-----------------------------|----------------------------|---------------------------|
| Very Low Density Residential | 3,280 | | 3,071 | 3,071 | |
| Low Density Residential | 13,967 | | 26,151 | 26,151 | |
| Medium Density Residential | 525 | | 2,212 | | 2,212 |
| High Density Residential | 2,242 | | 15,742 | | 15,742 |
| Mixed Density Residential | 78 | | 183 | 183 | |
| Mixed Use | 47 | 32,927 | 715 | | 715 |
| Commercial | 5,108 | 7,164,574 | | | |
| Office Professional | 352 | 470,541 | | | |
| Light Industrial | 1,235 | 2,078,061 | | | |
| Heavy Industrial | 1,228 | 2,067,592 | | | |
| Open Space | 2,211 | | | | |
| Public Institutional | 964 | 1,081,239 | | | |
| Specific Plan | 15,556 | 4,835,282 | 36,674 | 19,509 | 17,165 |
| TOTALS | 46,791 | 17,730,215 | 84,746 | 48,913 | 35,833 |

**Table LU-4
Land Use Acreage Designations by Acreage and Development Intensity**

EXISTING CITY SPHERE OF INFLUENCE

| | Acres | Square Feet | Total Dwelling Units | Single Family Units | Multi-family Units |
|------------------------------|--------------|--------------------|-----------------------------|----------------------------|---------------------------|
| Very Low Density Residential | 4,786 | | 4,624 | 4,624 | |
| Low Density Residential | 2,384 | | 4,497 | 4,497 | |
| Medium Density Residential | 0 | | | | |
| High Density Residential | 14 | | 98 | | 98 |
| Mixed Density Residential | 0 | | | | |
| Mixed Use | 562 | 1,407,692 | 8,549 | | 8,549 |
| Commercial | 400 | 1,999,853 | | | |
| Office Professional | 0 | - | | | |
| Light Industrial | 198 | 1,216,503 | | | |
| Heavy Industrial | 5 | - | | | |
| Open Space | 1,202 | | | | |
| Public Institutional | 267 | 1,068,766 | | | |

**Table LU-4
Land Use Acreage Designations by Acreage and Development Intensity**

EXISTING CITY SPHERE OF INFLUENCE

| | Acres | Square Feet | Total Dwelling Units | Single Family Units | Multi-family Units |
|---------------|---------------|--------------------|-----------------------------|----------------------------|---------------------------|
| Specific Plan | 5,423 | 5,976,041 | 12,692 | 6,752 | 5,940 |
| TOTALS | 15,241 | 11,668,853 | 30,461 | 15,873 | 14,588 |

**Table LU-5
Land Use Acreage Designations by Acreage and Development Intensity**

PROPOSED SPHERE OF INFLUENCE – NORTHERN EXPANSION AREA

| | Acres | Square Feet | Total Dwelling Units | Single Family Units | Multi-family Units |
|------------------------------|---------------|--------------------|-----------------------------|----------------------------|---------------------------|
| Very Low Density Residential | | | | | |
| Low Density Residential | 10,604 | | 20,884 | 20,884 | |
| Medium Density Residential | | | | | |
| High Density Residential | | | | | |
| Mixed Density Residential | | | | | |
| Mixed Use | | | | | |
| Commercial | 1,115 | 7,547,663 | | | |
| Office Professional | | | | | |
| Light Industrial | 3,800 | 22,827,655 | | | |
| Heavy Industrial | 343 | 2,062,951 | | | |
| Open Space | 18,934 | | | | |
| Public Institutional | | | | | |
| Specific Plan | 2,049 | | 1,345 | 1,345 | |
| TOTALS | 36,845 | 33,628,525 | 23,411 | 22,228 | |

**Table LU-6
Land Use Acreage Designations by Acreage and Development Intensity**

**GENERAL PLAN 2030
CITY BOUNDARIES + EXISTING SPHERE OF INFLUENCE + PROPOSED SPHERE OF INFLUENCE (NORTHERN
EXPANSION AREA)**

| | Acres | Square Feet | Total Dwelling Units | Single Family Units | Multi-family Units |
|------------------------------|---------------|--------------------|-----------------------------|----------------------------|---------------------------|
| Very Low Density Residential | 8,066 | | 7,695 | 7,695 | |
| Low Density Residential | 26,955 | | 51,532 | 51,532 | |
| Medium Density Residential | 525 | | 2,212 | | 2,212 |
| High Density Residential | 2,256 | | 15,840 | | 15,840 |
| Mixed Density Residential | 78 | | 183 | 183 | |
| Mixed Use | 609 | | 9,264 | | 9,264 |
| Commercial | 6,623 | 1,525,287 | | | |
| Office Professional | 352 | 35,135,280 | | | |
| Light Industrial | 5,233 | 1,680,504 | | | |
| Heavy Industrial | 1,576 | 31,465,805 | | | |
| Open Space | 22,347 | - | | | |
| Public Institutional | 1,231 | 4,930,332 | | | |
| Specific Plan | 23,028 | 24,435,162 | 51,891 | 27,604 | 24,287 |
| TOTALS | 98,879 | 99,172,369 | 138,617 | 87,014 | 51,603 |

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.7: Existing Setting. The list of cumulative projects is under inclusive.

Response to Comment 4.7: As discussed in Section 4.8 of the DEIR, CEQA requires that EIRs discuss cumulative impacts in manner guided by the standards of practicality and reasonableness. Because the scope of the Project encompasses build-out of the Planning Area, the cumulative analyses presented throughout this EIR attempt to incorporate all current and future projects within the Planning Area, as well as major projects currently proposed in adjacent communities. Cumulative projects considered in the preparation of the City traffic model and used as the basis for the traffic, air quality and noise assessments presented in this EIR, also encompass planned Victor Valley and regional growth. Section 4.8 does not attempt to list all the cumulative projects considered in preparation of the EIR, but

rather provides for the "general information of the reader" expected cumulative projects that are over 200,000 square feet in space or of a regional nature.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.8: Chapter 5.1, Aesthetics Resources. Mitigation Measures AES-1 and AES-2 are vague and inadequate.

Response to Comment 4.8: Mitigation measures AES-1 and AES-2, presented in Section 5.1 of the DEIR, work in concert with the mitigation measures AES-3 through AES-11, and proposed General Plan Goals, Objectives, Policies and Implementation Measures of both the Land Use Element and Resource Element. Most of the natural areas within the Planning Area are designated by the proposed Land Use Map as Open Space, and would be protected as a result of that designation. Also most of the natural areas are within the northern sphere area, for precise development plans have yet to be articulated through subsequent specific plan(s). Mitigation measure AES-1 directs the City to endeavor to preserve natural open spaces, including those in the Northern Expansion Area, in perpetuity. The word "endeavor" is appropriately used because much of the natural area is owned by private parties who are entitled to a reasonable use of their land. AES-2 further directs the City to work with developers to retain areas in new developments which are not suitable for habitable structures as open space, including recreational open space uses, trails, and scenic outlooks. Given the large size of the Northern Expansion Area and its currently undeveloped state, mitigation measures AES-1 through AES-11 in concert with General Plan provisions provide reasonable direction to reduce potentially significant impacts relative to Aesthetic Resources to less than significant levels.

This comment does not provide new significant information that identifies a new significant environmental impact or a feasible way to mitigate or avoid such an effect. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.9: Chapter 5.3, Air Quality Analysis: Comments regarding calculation of PM-2.5 emissions, construction related air quality impacts and greenhouse gas emissions, odors.

Response to Comment 4.9: Section 5.3.3 of the DEIR states the thresholds used in the analysis, which is based on the Mojave Desert Air Quality Management District (MDAQMD) criteria and MDAQMD CEQA Handbook. MDAQMD has jurisdiction over Victorville. As discussed in the DEIR, the air quality study prepared by Giroux &

Associates used the URBEMIS2007, formulated by the California Air Resources Board (CARB), and recommended by regional air quality management districts. The model runs are included in Appendix C of the DEIR, and the results explained in Section 5.3 of the DEIR. The MDAQMD, in a letter dated September 2, 2008 and contained in the FEIR, concurs with the analysis and findings of the DEIR regarding air quality.

The URBEMIS2007 model run for the project air quality analysis was set on the default setting relative to construction phasing grading, which assumes grading will be balanced on-site, and that initial heavy grading and infrastructure development will gradually shift toward building construction and then for finish construction, paving, landscaping, etc. These are standard assumptions applied for air quality assessments for large planning level projects, and particularly appropriate for Victorville which generally has a relatively flat terrain.

CO₂ is the greenhouse gas most associated with land development projects, and that would be most apparently affected by the proposed General Plan 2030. CO₂ emissions from cars and trucks also are the greatest cause of climate change in the United States, and the primary focus of AB32 and subsequent initiatives to implement AB32, including Smart Growth. CO₂ also is the only greenhouse gas for which CARB has standardized calculation. As discussed in Section 5.3 of the DEIR, there are no adopted thresholds of GHG emissions significance. However, in the absence of any definitive thresholds, the DEIR finds that despite proposed General Plan policies and mitigation measures, new daily operational CO₂ emissions from project-related traffic and area source emissions are predicted to be 0.5 percent of the most recent statewide inventory. For a single jurisdiction to comprise 0.5 percent of the statewide inventory is significant. Consequently, the DEIR finds that because of the size of the proposed Planning Area, project impacts relative to greenhouse gas emissions would be significant and unavoidable.

As Ms. Hori notes in her comment, the City of Victorville is a separate jurisdiction from the County of San Bernardino, and the City is not responsible for language contained in the County General Plan. The settlement agreement noted by Ms. Hori is solely between the County and state Attorney General. The City of Victorville proposed General Plan 2030 contains specific measures to reduce greenhouse gas emissions, including Land Use and Resource Element goals, objectives, policies and implementation measures intended to reduce vehicular trips, construction dust and unhealthful air.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

As discussed in Section 5.3.4 of the DEIR, proposed General Plan 2030 Resource Element Goal 6, Objective 6.2, Policy 6.2.1 and related implementation measures are intended to reduce health risks associated with siting sensitive land uses near air pollutant emitting sources. In addition, industrial areas designated by the Land Plan are generally concentrated away from residential areas. These General Plan provisions are expected to reduce potential air quality impacts to sensitive receptors to less than significant levels. Objectionable odors associated with the General Plan 2030 would be primarily from diesel equipment used during construction or chemical byproducts of manufacturing and industrial products released into the air near sensitive receptors. Manufacturing or industrial uses that generate objectionable odors are subject to MDAQMD regulations and state and federal regulations (e.g., OSHA, CAL EPA). Diesel equipment used during construction are usually not concentrated enough to represent significant odor emission impacts and do not impact substantial numbers of people. In addition, state regulations are requiring older diesel equipment to be replaced gradually with more efficient equipment. Consequently, adverse impacts associated with objectionable odors are found to be less than significant.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.10: Chapter 5.4, Biological Resources: Comments regarding conflicts with local policies, and mitigation.

Response to Comment 4.10:

As discussed in Section 5.4 of the DEIR, Joshua trees are protected by Chapter 13.33 of the Victorville Municipal Code, which prohibits the destruction or removal of Joshua trees without written consent from the Director of Community Services. In response to the threshold "would the project conflict with any local policies or ordinances", the DEIR finds that this code provision will continue to apply to the implementation of the General Plan update, and project impacts relative to compliance with the code will be less than significant.

As a program level document, the DEIR identifies areas where biological resources are expected to occur and mitigation measures necessary to protect these resources. Potential biological resources could occur in the Northern Expansion Area. Because the approximately 37,000 acre Northern Expansion Area is largely undeveloped and the timing and configuration of future development for the area is not known, it would be highly speculative to calculate precise impacts on potential biological resources. BIO-5 requires that prior to conversion of undeveloped land in the Northern Expansion Area, appropriate biological surveys

and if warranted, adequate mitigation, will be provided to protect these resources. This mitigation is not deferred, but rather timed to occur prior to potential project impacts.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.11: Chapter 5.8, Hydrology and Water Quality: Comments regarding the project water supply assessment available, and water consumption and availability.

Response to Comment 4.11: The water supply assessment (WSA) is referenced throughout Section 5.8 of the DEIR, and is available in the City Development Services Department. Ms. Hori apparently was able to readily obtain a copy of the WSA, as comments regarding the WSA are included in her letter. The WSA was prepared at the request of the City and subsequently accepted as adequate by the Director of Water District, the City representative with key responsibility for overseeing City water supply and demand. The WSA finds that with current and planned water supply projects and water conservation measures, potential adverse impacts of the depletion of groundwater supplies or interference with groundwater recharge would be less than significant, and that water supply will be sufficient to meet projected demand.

The WSA is a technical document prepared and substantiated by qualified engineer and water supply experts. Ms. Hori's assertions regarding the WSA are opinions that are not based on technical engineering studies or substantiated findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.12: Chapter 5.9, Land Use and Planning: Comments regarding zoning, General Plan implementation measures and regional policies.

Response to Comment 4.12: As discussed above, the General Plan Land Use Map serves as the zoning map for the City. Victorville currently has 14 specific plans, governing 26% of its land area. Large undeveloped areas within the City are designated Specific Plan by the General Plan 2030. The specific plan document provides the more focused guidance and regulation.

Implementation measure 1.1.2.5 encourages commercial and mixed use development in the northeast quadrant. Implementation measure 1.1.3.2 encourages hotel type uses to the North Mojave Planning Area. These measures are consistent with discussions regarding this area presented in the DEIR, including the project description in Section 3.0 of the DEIR with states:

Future Victorville development is expected to expand into its northeastern quadrant, specifically in areas adjacent to the Interstate 15. Development in this quadrant is expected to include a mix of tourist commercial, regional commercial, industrial, residential and open space uses.

Table 5.9 provides a matrix comparing SCAG policies to Land Use Element, according to the suggested format outlined in SCAG's March 11, 2008 comment letter to the project NOP. The proposed General Plan Land Use Plan proposes to increase the jobs to housing balance for the City by increasing the amount of employment generating land uses relative to housing. For the Victorville area, this is balanced growth. Potential population growth of the City is addressed in Section 5.12 of the DEIR.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.13: Chapter 5.10, Mineral Resources: Comments regarding mineral resources and mitigation.

Response to Comment 4.13: Information contained in the DEIR regarding mineral resources is provided consistent with the California Surface Mining and Reclamation Act of 1975 (SMARA), and has been confirmed by geologist G.A. Nichol (CEG 34).

As noted above, as a program level document, the DEIR identifies areas where mineral resources are expected to occur and mitigation measures necessary to protect these resources. Potential mineral resources could occur along the Mojave River corridor in the Northern Expansion Area. Because the timing and configuration of future development for the area is not known, it would be highly speculative to calculate precise impacts on potential mineral resources or the actions that would need to be taken to protect such resources. MR-1 is timed and designed appropriately to identify and protect such resources prior to any development occurring.

The DEIR information on mineral resources is based on information provided by a state certified geologist. Ms. Hori's assertions regarding the mineral resources are

opinions that are not based on technical studies or substantiated findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.14: Chapter 5.11, Noise: Comments regarding noise contours, EIR tables and mitigation.

Response to Comment 4.14: Tables 5.11-5 and 5.11-7 through Section 5.11-12 provide detailed noise contour data for the Planning Area, by every class of roadway and by distance from centerline. Roadway noise is primary noise associated with the proposed General Plan land use and circulation changes. The travel speeds on the roadways were established by Parsons Brinckerhoff Quade & Douglas, Inc. (PB) (Infrastructure and Traffic Engineers), Giroux & Associates (Air Quality and Noise Consultant), and the City Traffic Engineer. The tables, findings and mitigations presented in this section of the DEIR were designed by Giroux & Associates based on this joint input of technical experts.

The DEIR noise assessment is based on technical document prepared by qualified noise consultants and traffic engineers. Again Ms. Hori's assertions are opinions. Her comments regarding noise are not based on technical studies or substantiated findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.15: Chapter 5.12, Population and Housing: Comments regarding balanced growth and regional plans.

Response to Comment 4.15: This comment regarding the City's plan and regional trends addresses the General Plan and regional plans, rather than the DEIR. However, to assist Ms. Hori better understand the proposed project, the following information is provided. The General Plan 2030 Land Use Plan was developed with input from extensive economic studies, including: *Victorville – Demographic, Economic & Quality of Life Data* (March 8, 2005); *Concord Group Strategic Market Study* (2005); *Taussig Fiscal Report* (2005). Each of these studies offered input on the regional market and Victorville's best opportunities to increase the percentage of employment uses relative to residential uses. The culmination of these efforts is a Land Use Plan that contains substantially greater percentages of employment and open space uses than the City's current plan. The proposed Land Use Plan is a very clear balance between the City's aggressive efforts to increase the percentage of

employment generating land uses and the realities of regional growth and the infrastructure needed to accommodate that growth.

As discussed in Section 5.12 of the DEIR, pursuant to the proposed General Plan 2030, at build-out, the jobs-to-housing ratio for the Planning Area would be .85 (118,794 jobs to 138,617 housing units). This represents an increase of .19 jobs to each housing unit over the current ratio of 0.66.

The SCAG RTP is from 2004, based on general plan information provided by each of its member jurisdictions in place at the time. As each member city updates its General Plan to reflect statewide growth projections, the next round of SCAG's projections will be updated to reflect new City plans. However, to provide a conservative "worst-case scenario" analysis, the DEIR finds that in regard to consistency with regional projections, inclusion of the Northern Expansion Area into the City Planning Area, would substantially increase population for the area and would not be consistent with regional plans. This impact is due to the inclusion of approximately 37,000 acres of mostly undeveloped land.

The proposed General Plan Land Use Plan was prepared based on information by qualified economists and land use consultants, and the DEIR analysis of population and housing accurately evaluates the proposed Land Use Plan relative to currently adopted regional plans. Again Ms. Hori's assertions are opinions. Her comments regarding land use are not based on technical studies or substantiated findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.16: Chapter 5.13, Public Services: Comments regarding specific plan information and mitigation.

Response to Comment 4.16: As noted in Responses to Comment 4.4 and 4.5, Ms. Hori appears to misunderstand the nature of the project. Although the General Plan 2030 EIR is intended to provide environmental clearance for the rezoning of the North Mojave the review and approval of the specific plan document for that area would be a separate action subject to its own CEQA review and clearance. The public services information provided in the DEIR is based on information provided by the applicable service providers and their respective service ratios. Because of the large size of the Planning Area and long-term (20 year) nature of the General Plan, the DEIR mitigation measures require that master plans (or facility and staffing plans) for each public service be updated every five years or sooner, and that the findings of these plans be incorporated into the City capital improvement program and land use planning processes. These measures provide

precise parameters requiring the continued responsiveness of the City and its service providers.

Ms. Hori's assertions are opinions and are not based on technical studies or substantiated findings regarding public services, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.17: Chapter 5.14, Recreation: Comments regarding Quimby Act and parks master plan.

Response to Comment 4.17: Section 5.14 of the DEIR incorporates mitigation measure PS-4, which requires the City to update its master plan for parks at least once every five years, beginning in 2010. The City is currently in the process of updating its master plan which, when complete, will be reviewed by the City subject to a separate planning and environmental assessment. The master plan will be based on the most current City population and dwelling unit projections and will consider the spatial need for recreational facilities throughout the City. As discussed in Response to Comment 4.16, above, the mitigation is based on information provided by the applicable service providers and respective service ratios, and provides precise parameters requiring the continued responsiveness of the City.

Again, Ms. Hori's assertions are opinions and are not based on technical studies or substantiated findings regarding recreation, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.18: Chapter 5.15, Transportation/Traffic: Comments regarding traffic studies, thresholds, and mitigation.

Response to Comment 4.18: The traffic study in the DEIR is based on the City of Victorville General Plan Update Transportation Study Report (TSR), prepared by Parsons Brinckerhoff, Inc., July 2008, which has been reviewed and accepted by the City of Victorville Traffic Engineer. The TSR prepared for the General Plan 2030 is based on future average daily traffic volumes generated by the validated City of Victorville Travel Demand Model. The model is a sub-regional model of the SANBAG regional model, and was prepared through a multi-year coordinated effort between the City, SANBAG, SCAG, and consulting traffic engineers and other Victor Valley cities. The City of Victorville Travel Demand Model takes into

account planned land use changes, roadway and transportation improvements and modifications, infrastructure changes, modal usage, demographic forecasts and regional growth. Usage of the City and sub-regional model assures cumulative impacts are included in the traffic analysis. The model, including its base year of 2005, is consistent with regional databases and growth projections.

The determination regarding level of service thresholds was made based on the traffic study and TSR information and confirmed by the City Traffic Engineer and City Engineer. According to the City Traffic Engineer, determining the LOS by the V/C ratio only, without considering delay, is not acceptable. As an example, at Bear Valley / Amargosa, using the V/C ratio for an isolated intersection, the LOS for the intersection as a whole can be calculated as a C or D. However, this intersection along with Bear Valley / Mariposa has the greatest delay in Victorville. The critical movements have delays that are so great that they exceed the capacity by about 2 times. This is the threshold incorporated into the proposed Circulation Element. For CMP intersections, the City is committed to meeting CMP minimum requirements. Mitigation Measures presented in the DEIR are consistent with the traffic study, TSR and City Traffic Engineer and City Engineer understanding of the specific requirements of the Planning Area.

The DEIR traffic analysis is based on technical studies prepared and substantiated by qualified traffic engineers, and SANBAG and SCAG representatives. Ms. Hori's assertions regarding the WSA are opinions that are not based on technical engineering studies or substantiated findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.19: Chapter 5.16: Utilities: Comments regarding water supply, solid waste, drainage, wastewater.

Response to Comment 4.19: Regarding water supply, Ms. Hori references back to her comment #4.11, above. As discussed in Response to Comment 4.11, the WSA was prepared at the request of the City and subsequently accepted as adequate by the Director of Water District, the City representative with key responsibility for overseeing City water supply and demand. The WSA finds that with current and planned water supply projects and water conservation measures, potential adverse impacts of the depletion of groundwater supplies or interference with groundwater recharge would be less than significant, and that water supply will be sufficient to meet projected demand. Ms. Hori's comment is based on conjecture and is not supported by fact.

Regarding Landfills/Solid Waste, information provided in the DEIR is based on the City Waste Disposal Agreement (WDA) with San Bernardino County, Quarterly Disposal Reports, San Bernardino County Solid Waste Management, the "Joint Technical Document" (JTD) prepared by San Bernardino County Solid Waste Management Division, and input from service providers. Based on this information, the DEIR finds that sufficient landfill capacity is expected through year 2047; therefore impacts associated with the Planning Area being served by a landfill with sufficient permitted capacity to accommodate the future solid waste disposal needs under the General Plan 2030 are expected to be less than significant.

As discussed in the DEIR, both the City and Victor Valley Water Reclamation Authority (VWVRA) have studied the feasibility of developing recycled water programs, and that the VWVRA's Regional Plant currently produces recycled water that is used for irrigation or is discharged to the Mojave River or to percolation ponds. This information is provided in Appendix G of the DEIR and further available through VWVRA.

Information on wastewater presented in the DEIR was obtained from the PB Engineers' "City of Victorville General Plan Infrastructure Summary" (DEIR Appendix G) and the City of Victorville 2008 Sewer System Master Plan and Collection System Model and Sewer System Master Plan (SMP). Information on drainage also was obtained from the referenced PB infrastructure study.

The technical information incorporated into the General Plan 2030 analysis assesses both City and regional utility demand and capacity. Based on this information, the DEIR correctly finds that compliance with and conformity to adopted plans and policies, including those within the General Plan 2030, and recommended mitigation measures will reduce potential project impacts relative to utilities and service systems to less than significant levels.

Ms. Hori's assertions regarding utilities are opinions that are not based on technical engineering studies or substantiated findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 4.20: Alternatives: Comments regarding analysis and findings of the alternatives discussion.

Response to Comment 4.20: Section 7 of the DEIR provides both a quantitative and qualitative assessment of the project alternatives. Table 7-1 provides a matrix to facilitate the readers' comparison of alternatives against the project. The matrix

includes an assessment of each topic discussed within the DEIR, assessing the feasibility of mitigation based on the DEIR assessment of that environmental topic. All alternatives, including the no project alternative, would result in significant unavoidable adverse impacts.

Sections 21002 and 21081 of the Public Resources Code require lead agencies to adopt feasible mitigation measures or feasible environmentally superior alternatives in order to substantially lessen or avoid otherwise significant adverse environmental effects of proposed projects, unless specific social or other conditions make such mitigation measures or alternatives infeasible. The California Court of Appeals has upheld the requirement to examine an environmentally superior alternative when the adoption of all feasible mitigation measures would leave an unmitigated significant impact (*Citizens for Quality Growth vs. City of Mount Shasta* (3d Dist. 1988) 198 Cal.App.3d 433 [243 Cal.Rptr. 727]). However, because even the no project alternative results in unavoidably significant impacts, there is no alternative that could reduce all potential impacts to below a level of significance.

Ms. Hori's comment expresses her opinions, which are not based on substantiated findings. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION

COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

SOLID WASTE MANAGEMENT DIVISION

222 West Hospitality Lane, Second Floor • San Bernardino, CA 92415-0017 • (909) 386-8701
Administration/Engineering Fax (909) 386-8900



VANA R. OLSON
Director of Public Works

PETER H. WULFMAN
Solid Waste Division Manager

October 1, 2008

Received
OCT 01 2008
Development Dep

E-MAIL & U.S. MAIL

Chris Borchert, Assistant Director of Planning
City of Victorville/Planning Division
14343 Civic Drive
Victorville, CA 92392-5001

RE: PRELIMINARY COMMENTS ON AND REQUEST FOR EXTENSION OF TIME TO COMMENT ON THE CITY OF VICTORVILLE GENERAL PLAN UPDATE DRAFT EIR

Dear Mr. Borchert:

Thank you for the opportunity to comment on the above-referenced project.

The County of San Bernardino Solid Waste Management Division (SWMD) is responsible for the management and oversight of all County landfill and waste transfer operations. As such, we would have the following preliminary comments on the Draft Environmental Impact Report:

- Please provide a copy of the letter referenced on pages 5.16-10 and 5.16-11 of the Draft EIR, which states, "In November 2007, the City sent a letter to the San Bernardino County Solid Waste Management Division, regarding the future operation of the Victorville Landfill...The City expressed its interest in having the County close the landfill..." By e-mail dated September 11, 2008, SWMD requested a copy of this letter. As of the date of this letter, the City's November 2007 letter has not been received by SWMD. As a result, we reserve the right to provide further comments on the Draft EIR once this letter has been received and reviewed. We anticipate that further comments can be provided to the City within two (2) weeks of our receipt of the letter.
- The Draft EIR states on pages 5.16-10 and 5.16-11, that it is the interest of the City of Victorville to close the Victorville Sanitary Landfill. Table 5.16-2 discloses the other High Desert communities that use the Victorville Landfill for solid waste disposal, showing that of the total amount of solid waste received at this facility, the City of Victorville accounts for only 31.2%, with 68.8% coming in from other High Desert areas. The Draft EIR does not identify nor analyze any alternative for the disposal of the waste generated by the City of Victorville. On the contrary, the Draft EIR states that as part of the General Plan, all future solid waste will be disposed of at the Victorville Sanitary Landfill. (As cited on pages 5.16-44 thru 5.16-46 of the EIR) Finally, the Draft EIR also does not analyze the impacts on the environment or on other High Desert communities should the landfill be closed at the request of the City of Victorville as stated in the Draft EIR.

MARK H. UFFER
County Administrative Officer
NORMAN A. KANOLD
Assistant County Administrator
Public and Support
Services Group

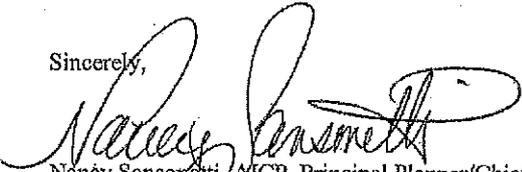
Board of Supervisors

| | |
|--------------------------------------|---|
| BRAD MITZELFELT First District | DIENNIS HANSBERGER Third District |
| PAUL BIANE Second District | GARY OVITT Fourth District |
| JOSIE GONZALES Fifth District | |

- Once the City identifies its alternatives for solid waste disposal, it appears necessary for the Draft EIR to re-address Green House Gas impacts pertaining to the proposed alternative for the disposal of waste generated.

Should you have any questions or comments, please feel free to contact Patrick Egle, Associate Planner, by phone at (909) 386-9012; by facsimile at (909) 386-8964, by mail to the address listed above, or by e-mail to PEgle@swm.sbcounty.gov.

Sincerely,



Nancy Sansonetti, AICP, Principal Planner/Chief
Planning & Permitting Section

Ecc: Peter Wulfman, Division Manager – County of San Bernardino Solid Waste Management Division
File

MARK H. UFFER
County Administrative Officer
NORMAN A. KANOLD
Assistant County Administrator
Public and Support
Services Group

Board of Supervisors

| | | | |
|-----------------------|-----------------|------------------------|--------------|
| BRAD MITZELFELT | First District | DENNIS HANSBERGER..... | Third Distr |
| PAUL BIANE..... | Second District | GARY OVITT | Fourth Distr |
| JOSIE GONZALES..... | Fifth District | | |

5. Commenter: Nancy Sansonetti, Principal Planner/Chief, County of San Bernardino Department of Public Works, Solid Waste Management Division, dated October 1, 2008.

Comment 5.1: Please provide a copy of the letter referenced on pages 5.16-10 and 5.16-11 of the Draft EIR, which states, "In November 2007, the City sent a letter to the San Bernardino County Solid Waste Management Division, regarding the future operation of the Victorville Landfill...".

Response to Comment 5.1: A copy of the November 19, 2007 letter from City of Victorville City Manager, Jon B. Roberts, to Ms. Sansonetti will be sent to you as an attachment to this response to comment.

Comment 5.2: The Draft EIR states on pages 5.16-10 and 5.16-11, that it is the interest of the City of Victorville to close the Victorville Sanitary Landfill. The DEIR does not identify nor analyze any alternative for the disposal of the waste generated by the City of Victorville.

Response to Comment 5.2: Section 5.16.14 of the DEIR notes that given that landfills are known for attracting birds, the City informed the County of their concerns regarding landfill operation and aviation safety at SCLA. Closure or relocation of the landfill is not proposed as part of the General Plan project. Should such closure or relocation be proposed by the County or other entity at some future date, that action would be its own project subject to its own CEQA review. Consequently, there is no requirement for the DEIR to analyze such relocation or closure.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

LAND USE SERVICES DEPARTMENT

ADVANCE PLANNING DIVISION
385 North Arrowhead Avenue, San Bernardino, CA 92415-0182
(909) 387-4147 • Fax (909) 387-3223
<http://www.sbcounty.gov/landuseservices>



COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

JULIE RYNERSON ROCK
Director of Land Use Services

October 1, 2008

Chris Borchert, Assistant Director of Planning
City of Victorville
P.O. Box 5001
14343 Civic Drive
Victorville, CA 92393-5001

Received
OCT 01 2008
Development Dep

Re: Comments on the Draft Environmental Impact Report for the City of Victorville General Plan 2030.

Dear Mr. Borchert:

I am writing to comment on the Draft Environmental Impact Report (DEIR) for the City of Victorville General Plan 2030. We have the following concerns about the project and the DEIR:

1. **Sphere of Influence Expansion:** We strongly oppose the proposed expansion of the city sphere to the north. We have several mining operations being conducted within this area which will be totally inconsistent with the Open Space and Very Low Density Residential General Plan designations that the city has planned for the area. These mining operations have been, are and will continue to be important assets to the County, and they need to be protected from incompatible zoning and land uses. According to Table 3-1 outlining the General Plan Land Use Designations, Open Space is defined as "land that is to remain undeveloped due to severe development constraints, lake or river bottoms and floodplains; and reserved public open space in parks and golf courses. The purpose of this district is to provide for the protection of the public health, safety and general welfare in those areas of the city which, under present conditions, are subject to periodic flooding and accompanying hazards and to conserve natural resources of benefit to the general public interest." It appears to the County that mining operations would not be compatible for land with this designation. In addition, this sphere expansion appears to conflict with the Helendale CSD Sphere Amendment which is currently under review.
2. **Mineral Resources:** The Oro Grande area is one of the more important mineral resource areas in San Bernardino County with well-documented mining history going back to the 1880s. Major deposits of limestone and silica exist with reserves expected to last well into the next century. Other lesser and important resources include aggregate and alumina resources. The California Geological Survey has recognized this area as important and designated the deposits as MRZ-2 and mining should be a protected land use activity.

Mining is important to the local and State economy, but unfortunately, incompatibility between mining and development is endemic due to issues of noise (such as blasting and crushing), dust, trucking and aesthetics. Competition for local water resources may also pose a significant source of contention, especially with the very limited availability in this region. Because these resources are so important, there should be some consideration for distance to protect potential expansion of these resources. Mining is an industry that the County wants to continue to support and, as such, considerations should be made to allow a significant buffer to protect the interests of both the miner and the developer.

Given the number of mines and claimed resources in this region (with establish and vested interests), changes that would limit mining operations would result in significant environmental and legal challenges where urban development may interfere. One mining interest in this area just recently expanded their plant operations in a manner characterized as the largest civil project west of the Mississippi River (approximately \$800,000 expansion in 2007). In all, there are several different companies with vested interests in the area.

Even if proposed development planned for this region does not incorporate any significant mineral resources, the infringement upon the existing mining operations will still be a significant impact to those developing those resources for beneficial use. An overriding consideration that impacts a mining operation may be challenged in court as a property or property right take.

With these potential impacts to the mining industry, an economic analysis needs to be prepared to study these potential impacts on the mining industry.

With regard to the mineral resources section of the DEIR, it is apparent to me that the preparer of this text knows little about mining or mineral resources. As a result some specific language needs to be amended.

Section 5.10 (Mineral Resources) starting on page 5.10-1 is too specific on uses and location. The Planning area includes common variety (i.e. sand, gravel and stone) and unique mineral deposits (silica, alumina and limestone or carbonates). Suitable uses appear marginalized with its uses as concrete aggregates when there are a number of other uses for these resources. The silica deposit that is currently developed is used in abrasives and a unique patented construction material (HardieBacker™ products) used widely in the construction industry. One of the mining companies is now studying the feasibility in developing some localized precious metal deposits that have been exposed around their quarries.

Section 5.10.3 on page 5.10-1 refers to the Division of Mines and Geology (DMG). The name has since been changed. Although the "official name" for the Division remains the

Division of Mines and Geology, in January 2002 the Department of Conservation's Director, Darryl Young, established its pseudonym as the California Geological Survey.

Relative to the Victorville Mining Operations (page 5.10-2), initial claims on gold and silver were developed in the Oro Grande area in the 1880s. Development of the limestone deposits for cement occurred in the early 1900s. Granite is a common variety stone with very limited use in construction and grave sites -- not necessarily discovered or exploited for any significant use.

In Section 5.10.4.2 on page 5.10-5, the discussion regarding "natural rock materials that have commercial value" should consider beneficial value or resource and not necessarily limited to commercial value. It is true that sand and gravel resources do not need special protections unless there are unique qualities with a specific beneficial use.

In Section 5.10.6 (Mitigation Measures), the County believes that Mitigation MR-1 is overly simplistic. A geologic study could be very interpretive and should have some level of review by the mining community before determined adequate. In addition, the mitigation measure should be explicit about other facets of mining such as due diligence research about historic or current claim holdings (mineral rights) within a given area and access. Cutting-off reasonable access could incur and unreasonable impact to any given deposit (i.e., will a development force a future operator to cross other private lands when prior to development a right-of-way agreement could have been obtained from BLM).

3. **Inconsistencies between County and City General Plan Designations:** The County is also concerned about the inconsistencies between the County's current General Plan designations in the areas within the boundaries of the current city sphere of influence and those designations for the proposed City General Plan. The city's pre-zoning dramatically increases the density of development for the areas in question. This includes the following: areas that the County has designated as Resource Conservation going to a Specific Plan designation for the City; areas that the County has designated for residential development with a density of one dwelling unit per two and one-half acres going to city designations with densities of two and five dwelling units per acre; areas designated for low density residential in the County going to commercial designations in the city; and an area designated for very low density residential (one dwelling unit per five acres) in the County going to light industrial in the city. These increases in intensity and density of land use will impact the areas in question relative to all of the environmental issues. As I have included in #5 below, this does not appear to be adequately addressed relative to Hydrology and Water Quality.
4. **General Plan Land Use Map Land Use Designations:** In Table 3-1 in the DEIR on page 3-20, the column labeled Development Standards for the Open Space designation has the following verbiage: "In the AE district, one single family dwelling is allowed on a five acre minimum lot." What is the "AE District?" This is the only reference to this

district in the document. Is this correct? Are you going to allow residences in areas designated as Open Space?

5. **Hydrology and Water Quality:** We have the following concerns about your analysis in the Hydrology and Water Quality Section of the DEIR:

5.8.1.2 Water Supply

Alternatives to Address Water Supply Deficiencies

Page 5.8-8 Second Paragraph reads,

"To reduce the demands on the local ground water basin..., several approaches are underway to conserve and expand water supply resources. These include: water conservation, water reuse, installation of additional wells, and importing water from the SWP..." [emphasis added]

Groundwater is a vital resource and in many of the desert areas of the County, essentially a non-renewable resource. The County applauds the City's efforts to conserve and reuse water and agrees with the General Plan 2030 Resources Element Provisions detailed in Section 5.8.4. However, as the City acknowledges on page 5.8-9 (first full paragraph), "Even with conservation... a serious shortfall could occur in as little as 10 years" given the existing basin extraction rate and the projected future population growth. The City has included the "Installation of additional wells" as an alternative to "help alleviate the need for water within the City of Victorville" (5.8-9, second full paragraph). With the acknowledgment by the City that it is "currently pumping beyond the safe yield of the aquifer to meet its water demand" (page 5.8-27, first paragraph); this does not seem to be a viable alternative, as the wells would be drilled into the same aquifer that is already overdrawn. The impact of the proposed new wells on the aquifer would have to be evaluated to assess whether this would be a practical option. In addition, the State Water Project (SWP) has increasingly become an unreliable source of water given the recent court decisions regarding water supplies pumped from the Sacramento-San Joaquin River Delta (see page 5.8-26, last paragraph). Relying on the SWP, as well as the other sources detailed on page 5.8-27 (see assumption bullets) as alternatives to the City's water supply deficiencies seems speculative.

On page 5.8-29 the City concluded,

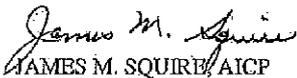
In addition to the water conservation and recycling measures provided in the Municipal Code, with implementation of the General Plan 2030 policies and objectives for water planning, conservation and groundwater protection, potential adverse impacts of the depletion of groundwater supplies or interference with groundwater recharge would be less than significant."

Chris Borchert, Assistant Director of Planning
City of Victorville
Comments on the Draft Environmental Impact Report for the City of Victorville General Plan 2030
October 1, 2008
Page 5 of 5

The City relies on the groundwater aquifer located in the High Desert as its sole source of water (page 5.8-6, first paragraph). Since this aquifer is currently overdrawn and the City will, in the near future, continue to make withdrawals beyond the aquifer's safe yield, it is reasonable to conclude that any incremental withdrawals from this aquifer as a result of the projected population increase and new projects will have an adverse impact to the groundwater supply. In addition, since the impact of the proposed water conservation and recycling measures has not been quantified and some of the proposed water planning provisions or alternatives to the water supply deficiencies are, at best, speculative; it is reasonable to conclude that there would be significant adverse impacts related to the depletion of groundwater supplies.

Should you have any questions concerning this matter, please write to me at the address above or call me at (909) 387-0236.

Sincerely,



JAMES M. SQUIRE, AICP
Deputy Director, Advance Planning Division

cc: Brad Mitzelfelt, First District Supervisor
Norm Kanojd, Assistant County Administrator
Geny Newcombe, Associate Administrative Officer
Julie Rynerson Rock, Director of Land Use Services

6. Commenter: James Squire, Deputy Director, Advanced Planning Division, County of San Bernardino, Land Use Services Department, dated October 1, 2008.

Comment 6.1: Sphere of Influence Expansion: We strongly oppose the proposed expansion of the City sphere to the north. We have several mining operations being conducted within this area which will be totally inconsistent with the Open Space and Very Low Density Residential General Plan designations that the city has planned for the area.

Response to Comment 6.1: Mr. Squire's comment expresses his department's opinion regarding the proposed sphere of influence expansion and addresses the General Plan. The comment does not address the content or findings of the DEIR. The City based its Open Space designations as close as possible to those shown within the Final Environmental Impact Report and Statement for the West Mojave Plan, a document which the City believed was being overseen by the County of San Bernardino, Land Use Services Department. The City supports mining and currently has numerous business operations within our boundaries which rely on mining. This comment will be forwarded to the City Council for their consideration along with the proposed General Plan 2030. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 6.2: Mineral Resources: Section 5.10 (Mineral Resources) starting on page 5.10-1 is too specific on uses and location. Section 5.10.3 on page 5.10-1 refers to the Division of Mines and Geology (DMG). Although the "official name" for the Division remains the Division of Mines and Geology, in January 2002 the Department of Conservation established its pseudonym as the California Geological Survey. In Section 5.10.6 (Mitigation Measures), the County believes that Mitigation MR-1 is overly simplistic. A geologic study could be very interpretive and should have some level of review by the mining community before determined adequate.

Response to Comment 6.2: Section 5.10 of the DEIR presents the best information available at the time of preparation regarding mineral resources in the Planning Area. It is the intent of the CEQA process and the DEIR to provide a level of detail consistent with the level of detail of the project. The City acknowledges the information provided by Mr. Squire regarding the history of the mining in the area and the pseudonym for the Division of Mines and Geology. However, this information does not provide new significant information relevant to the analysis or findings of the EIR regarding mineral resources.

Mitigation measure MR-1 is recommended by the DEIR to protect the potential loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The measure focuses on the protection of state identified resources which are located along the Mojave River corridor in the proposed Northern Expansion Area. It requires a project applicant to submit for City Development Services Director review and approval a geologic study identifying potential mineral resources, and to attempt to preserve these resources in place. The intent of the measure is not, as Mr. Squire seems to misunderstand, to protect potential prospective mining operations. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 6.3: Inconsistencies between County and City General Plan Designations: The County is also concerned about the inconsistencies between the County's current General Plan designations in the areas within the boundaries of the current City sphere of influence and those designations for the proposed City General Plan.

Response to Comment 6.3: Mr. Squire's comment expresses his department's opinion regarding the proposed General Plan 2030 land use changes. The comment does not address the content or findings of the DEIR. The land use designations proposed in the Northern Expansion area were intended to be the most intensive that could possibly be foreseen, to ensure that the accompanying analysis would determine if it could be supported. This comment will be forwarded to the City Council for their consideration along with the proposed General Plan 2030. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 6.4: General Plan Land Use Map Land Use Designations: In Table 3-1 in the DEIR on page 3-20, the column labeled Development Standards for the Open Space designation has the following verbiage: "In the AE district, one single family dwelling is allowed on a five acre minimum lot." What is the "AE District? Are you going to allow residences in areas designated as Open Space?

Response to Comment 6.4: Mr. Squire's comment address the proposed General Plan 2030 land use designations rather than the analysis and findings of the DEIR. However, as a point of information for Mr. Squire, the General Plan 2030 proposes to permit residential in certain Open Space designated areas when the underlying zone district is AE (Exclusive Agriculture). Under the AE zone, residential

development may occur at a density of one dwelling unit per five acres. This was done to help ensure that more intensive residential densities would not be proposed adjacent to SCLA. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 6.5: Hydrology and Water Quality: The City relies on the groundwater aquifer located in the High Desert as its sole source of water (page 5.8-6, first paragraph). Since the impact of the proposed water conservation and recycling measures has not been quantified and some of the proposed water planning provisions or alternatives to the water supply deficiencies are, at best, speculative; it is reasonable to conclude that there would be significant adverse impacts related to the depletion of groundwater supplies,

Response to Comment 6.5: A WSA for the Project, which was prepared by Carollo Engineers based on accepted SB 610 water supply and demand calculations, was prepared at the request of the City and subsequently accepted as adequate by the Director of Water District, the City representative with key responsibility for overseeing City water supply and demand. The WSA findings are presented in Section 5.8 of the DEIR. The WSA finds that with current and planned water supply projects and water conservation measures, potential adverse impacts of the depletion of groundwater supplies or interference with groundwater recharge would be less than significant, and that water supply will be sufficient to meet projected demand.

The WSA is a technical document prepared and substantiated by qualified engineer and water supply experts. Mr. Squire's assertions regarding groundwater are opinions that are not based on technical engineering studies or substantiated findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

BRUNICK, MCELHANEY & BECKETT

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October 1, 2008



VIA FAX AND MAIL

Chris Borchert, Assistant Director of Planning
City of Victorville
P.O. Box 5001
14343 Civic Drive
Victorville, CA 92393-5001

Re: City of Victorville General Plan 2030
Draft Program Environmental Impact Report dated August 14, 2008
State Clearinghouse No. 2008021086

Dear Mr. Borchert:

This office serves as General Counsel to the Helendale Community Services District ("HCSD").

Pursuant to the Public Notice of Availability issued in connection with the above-referenced matter and the authority provided in Sections 21082.1(b), 21092.4(a), 21104(a), and 21153 of the Public Resources Code ("PRC") and Sections 15044, 15086, 15201, 15203, and 15209 of the California Code of Regulations ("CCR"), HCSD submits the following preliminary comments to the City of Victorville ("Victorville") as lead agency under the California Environmental Quality Act ("CEQA"), PRC Section 21000 et seq., and the Guidelines adopted thereunder, CCR Section 15000 et seq., with respect to the Draft Program Environmental Impact Report ("DPEIR") for Victorville's General Plan 2030 ("Project").

These comments supplement those otherwise submitted by or on behalf of HCSD and other interested parties in connection with the Project, including those contained in the DPEIR, all of which are incorporated herein by this reference.

1. Inadequate Inter-Agency Consultation

CEQA requires that the preparation and review of an environmental impact report ("EIR") "should be coordinated in a timely fashion with the existing planning, review, and project approval process being used by each public agency." CCR Section 15004(c). To help

Chris Borchert, Victorville
October 1, 2008
Page 2

facilitate inter-agency coordination, PRC Section 21080.3(a) requires that the lead agency consult with all responsible agencies and trustee agencies before preparation of an EIR. However, Victorville has not adequately attempted to coordinate environmental input from all interested entities such as HCSD. By failing to actively involve all parties in the determination of the proper scope and substance of the DPEIR, Victorville has failed to both fulfill its disclosure obligations under CEQA and to provide those agencies with an opportunity to ensure the adequacy of the resulting DPEIR. Further, it is not possible to conclude whether the DPEIR incorporates the issues and concerns of those agencies or provides those agencies with sufficient information to carry out later discretionary actions under their authority which are associated with the proposed Project.

2. Notice of Preparation

The procedural device used to initiate interagency dialogue is the Notice of Preparation ("NOP"). PRC Sections 21080.4, 21092.2, 21092.3; CCR Section 15082(a). The NOP must be written so as to provide the agencies with sufficient information to enable them to make meaningful responses. The lead agency must consider any information or comments it receives during the period in which a draft EIR is being prepared. PRC Section 21082.1. Here, the DPEIR stated that Victorville circulated the NOP for the Project in February of 2008. (DPEIR, p. 1-5.) However, it cannot be disputed that Victorville failed to circulate the NOP to all interested parties as required by CEQA since a copy of the NOP was never furnished to HCSD. Therefore, Victorville has not satisfied the legal requirements of PRC Section 21082.1 as well as the guidelines set forth in CCR Section 15151 obligating Victorville to demonstrate "a good faith effort at full disclosure."

3. Content and Preparation of the DPEIR

* In order for the DPEIR to effectively serve as the CEQA clearance document for the Project, the DPEIR must be very detailed; in other words, it must include enough Project-specific information to allow an agency to plausibly conclude that, in analyzing "the big picture," the document also addressed enough details to allow an agency to make informed site specific decisions within the program. Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal. App. 4th 182, 55 Cal. Rptr. 2d 625. Thus, the DPEIR must be at once both comprehensive and specific. It must concentrate on the Project's long-term "cumulative" impacts, but must also contain enough details to anticipate "many subsequent activities within the scope of the project." CCR Section 15168. However, the Project as described in the DPEIR seems to contemplate a plan by Victorville to include a large industrial area in the western portion of the sphere area which would extend to HCSD's current southern boundary. All of the industrial area is located west of the Mojave River. It appears that this

Chris Borchert, Victorville
October 1, 2008
Page 3

proposed zoning is inconsistent with the County of San Bernardino's current General Plan land use designation.

- * A draft EIR must be prepared directly by or under contract to the lead agency. PRC Section 21082.1(a); CCR Section 15084(a). Here, the DPEIR for the Project has been prepared by Comprehensive Planning Services on behalf of Victorville. However, before using the DPEIR prepared by someone else, Victorville must subject the document to its own review and analysis so that the DPEIR reflects its own independent judgment. PRC Section 21082.1(c); CCR 15084(e). Thus, Victorville must itself conduct a reasonable amount of original research to determine the Project's environmental effects. Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal. App. 3d 421, 432, 222 Cal. Rptr. 247; Save Our Ecosystems v. Clark (1984) 747 F.2d 1240, 1249. Victorville's City Council and Planning Commission must not delegate any decisionmaking functions under CEQA. Kleist v. City of Glendale (1976) 56 Cal. App. 3d 770, 779, 128 Cal. Rptr. 781; Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d 296, 307, 248 Cal. Rptr. 352; People v. County of Kern (1976) 62 Cal. App. 3d 761, 133 Cal. Rptr. 389. *However, on September 24, 2008, Victorville's Planning Commission recommended adoption of the DPEIR and approval of the Project even though the public review period for submission of comments on the DPEIR had not yet expired.* Such action is not only inconsistent with Victorville's legal obligations under CEQA, but also seems to reflect Victorville's general lack of concern for the comments of the public concerning the environmental impact of the Project.
- * Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA for administering its responsibilities under CEQA. CCR Section 15022(a). However, no specific reference to Victorville's own CEQA guidelines is readily apparent from the DPEIR. In the absence of this reference, it is unclear whether Victorville has, in fact, developed and adopted an agency-specific set of CEQA guidelines for the administrations of its actions thereunder. As such, HCSD formally requests a copy of any such guidelines adopted by Victorville and a copy of the formal actions of Victorville's City Council adopting those guidelines, or, conversely, a disclosure by Victorville (as part of this environmental review record) that it has failed to act in accordance with the above provisions.
- * CCR Section 15378 defines a "project" to mean "the whole of an action which has a potential for resulting in physical change in the environment." Additionally, CCR Section 15355(b) provides that "the cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future project." Similarly, CCR Section 1502.4(a) states that "proposals or parts of proposals which are related to each

Chris Borchert, Victorville
October 1, 2008
Page 4

other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement." Based upon these CEQA requirements, and for the reasons set forth above, HCSD believes that Victorville has "fragmented" the Project thereby preventing a complete assessment of all of the Project's potential impacts, including the Project's effect on upper basin users. By examining only portions of the entire Project (rather than the Project as a whole), the resulting environmental documentation will neither fully nor accurately examine the potential direct, indirect, and cumulative effects associated with the proposed Project, nor will the resulting document explore the potential range of alternatives and mitigation measures which could be derived from a more thorough examination of all Project-related (and Project-relevant) activities. This "truncated project concept" results in the "fallacy of division" which caused the DPEIR to overlook the Project's cumulative impacts by separately focusing on the isolated parts of the whole.

- * CCR Section 15151 states that "an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." For the reasons set forth above, the DPEIR has failed to present a sufficient level of analysis (e.g., rigorous analysis and concrete substantial evidence) of the direct, indirect, cumulative, and growth-inducing impacts associated with the proposed Project. In lieu of reasoned analysis, Victorville presents conclusions unsubstantiated and unsupported by empirical or experimental data, scientific authorities or explanatory information, and without presenting either a quantitative or qualitative approach to the manner in which those conclusions were derived. In the absence of that analysis, it is not possible to independently verify those findings or challenge the rationale used by Victorville to arrive at the conclusions presented in the DPEIR.
- * Based upon the comments reflected herein, HCSD believes that there is substantial evidence indicating that the DPEIR has failed to include "information relevant to the significant effects of the project, alternatives, and mitigation measures which substantially reduce the effects," and has failed to disclose that information to other public agencies, interested persons, and organizations as required under CEQA. PRC Section 21003.1(b). As required by PRC Section 21002, "it is the policy of the State that public agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures available which would substantially lessen the significant environmental effects of such projects." Based upon this requirement, Victorville is obligated to provide the public with an adequate EIR which fully and impartially discloses the Project's potential impacts and, based upon a factual accounting of those effects, formulate effective measures to reduce or avoid those impacts. The DPEIR fails to demonstrate Victorville's commitment to this mandate.

Chris Borchert, Victorville
October 1, 2008
Page 5

4. **Notice of Completion**

As soon as the lead agency completes a draft EIR, it generally must file a Notice of Completion ("NOC") with the Office of Planning and Research ("OPR"). PRC Section 21161; CCR Section 15085(a). Here, the DPEIR does not include a copy of any NOC. Therefore, it is unclear whether Victorville has complied with this requirement.

5. **Public Notice**

At the same time that the lead agency sends a NOC to OPR, the lead agency must also notify the public that a draft EIR is available for review. PRC Section 21092(b)(1). Additionally, agencies releasing draft EIRs should also give additional notice through at least one of the following methods: publication at least one time in a newspaper of general circulation in the area affected by the proposed project; posting of notice on and off site in the same area; and/or direct mailing to owners shown on the latest equalized assessment roll. PRC Section 21092(a); CCR Section 15087(a). Such notices must also be posted for at least thirty (30) days in the office of the county clerk of the county or counties in which the project will be located. PRC Section 21092.3. When a public agency files a notice that a draft EIR is available for review, it must be posted within 24 hours of receipt in the county clerk's office. PRC Section 21092.3. The DPEIR is defective since it fails to indicate whether these requirements were met by Victorville with respect to the Project. In fact, HCSD did not receive a copy of the Public Notice of Availability of the DPEIR until September 25, 2008 - a day after Victorville's Planning Commission recommended adoption of the DPEIR and approval of the Project and only four business days before the end of the public comment period for the DPEIR. As a result, HCSD requested that Victorville grant HCSD an extension of time in which to submit comments on the DPEIR. However, both Victorville staff and legal counsel refused to grant HCSD any such extension. (A copy of such e-mail correspondence is attached hereto and incorporated herein by this reference.) Once again, Victorville's actions are not only inconsistent with its legal obligations under CEQA, but also reflect an apparent hostility to the value of inter-agency consultation and the importance of good-faith accommodation and consideration of public comments in evaluating the impact of the Project on the environment.

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

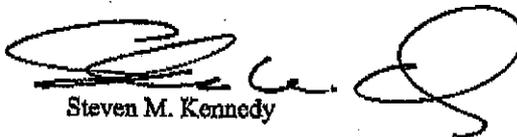
Chris Borchert, Victorville
October 1, 2008
Page 6

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

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

Very truly yours,

BRUNICK, McELHANEY & BECKETT



Steven M. Kennedy

cc: HCSD
Stanley R. Hoffman Associates, Inc.
San Bernardino County LAFCO
Jim Squire, S.B. County Land Use Development Dept.

Steve Kennedy

From: Bill Webb [bwebb@ci.victorville.ca.us]
Sent: Monday, September 29, 2008 2:35 PM
To: Stan Hoffman
Cc: Doug Robertson; Steve Kennedy; Kimberly Cox
Subject: RE: Draft Program EIR for 2030 Victorville General Plan update
Attachments: Image001.jpg

Mr. Hoffman,

I appreciate your interest and desire to respond, however, the item is scheduled to be heard by City Council on October 21st, which would not allow for a 30-day extension and time to address any potential concerns. Therefore, I am forwarding your request to legal counsel for an opinion. --Thanks, Bill



Bill Webb, AICP
 Director of Development
CITY OF VICTORVILLE
 DEVELOPMENT DEPARTMENT
 Planning - Building - Code Enforcement

From: Stan Hoffman [mailto:stan@stanleyrhoffman.com]
Sent: Monday, September 29, 2008 11:09 AM
To: Bill Webb
Cc: Doug Robertson; skennedy@bmblawoffice.com; 'Kimberly Cox'
Subject: re: Draft Program EIR for 2030 Victorville General Plan update

Mr. Webb,

Stanley R. Hoffman Associates is a consultant to the Helendale CSD regarding their proposed sphere of influence boundary. On Thursday, September 25, I attended a meeting with the San Bernardino County LAFCO regarding our work on the proposed Sphere of Influence boundary and was informed by Victorville staff member at the meeting, Doug Robertson, that a Draft Program EIR for the 2030 Victorville General Plan update was released in August 2008. Subsequently, the LAFCO staff did make available a copy of the transmittal letter and the CD containing the document. Also, on Friday, September 26, the Helendale CSD did receive a copy in the mail of the Draft EIR document.

However, given the late receipt of this document (which from the CD copy appears to be 1,146 pages), we do not have adequate time to review it properly. We would kindly request an extension of time. Helendale CSD would very much like to review the document and submit comments, as appropriate, and would request that we get the customary 30 days of review time from the date from which we received the document -- i.e., Friday, September 26. We would very much appreciate an affirmative response to our request.

Thank you very much,
 Stan Hoffman

Stan Hoffman, President
 Stanley R. Hoffman Associates, Inc.
 11661 San Vicente Blvd. Suite 306
 Los Angeles, CA 90049-5111
 310.820.2680, 310.820.8341 fax
www.stanleyrhoffman.com
stan@stanleyrhoffman.com

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Steve Kennedy

From: Bill Webb [bwabb@ci.victorville.ca.us]
Sent: Tuesday, September 30, 2008 8:29 AM
To: Stan Hoffman
Cc: Doug Robertson; Steve Kennedy; Kimberly Cox
Subject: RE: Draft Program EIR for 2030 Victorville General Plan update

Mr. Hoffman- Per the following legal opinion, I chose not to extend the review/comment period.-Bill

Hi Bill,

Our office is not aware of any action by the Planning Commission deeming the Helendale CFD as being significantly affected by the proposed action. Therefore, it appears that the City is under no legal duty to grant an extension to allow Mr. Hoffman to review the GPA. See Gov. Code Sec. 65352. In addition, the Government Code provides that such notification pursuant to Section 65352 is discretionary and not mandatory, under subsection (c), thereby bolstering the argument that no extension is required.

Jennifer A. Mizrahi
818-704-0195

Please note: This message is intended only for the use of the person or entity to which it is addressed. It may contain information that is privileged or confidential. If you receive this message in error, please notify us immediately.

From: Stan Hoffman [mailto:stan@stanleyrhoffman.com]
Sent: Monday, September 29, 2008 11:09 AM
To: Bill Webb
Cc: Doug Robertson; skennedy@bmblawoffice.com; 'Kimberly Cox'
Subject: re: Draft Program EIR for 2030 Victorville General Plan update

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However, given the late receipt of this document (which from the CD copy appears to be 1,146 pages), we do not have adequate time to review it properly. We would kindly request an extension of time. Helendale CSD would very much like to review the document and submit comments, as appropriate, and would request that we get the customary 30 days of review time from the date from which we received the document - i.e., Friday, September 26. We would very much appreciate an affirmative response to our request.

Thank you very much,
Stan Hoffman

Stan Hoffman, President
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7. Commenter: Steven Kennedy, Brunick, Mcelhaney & Beckett, General Counsel to the Helendale Community Special District ("HCSD"), dated October 1, 2008.

Comment 7.1: Inadequate Inter-Agency Consultation. CEQA requires that the preparation and review of an environmental impact report ("EIR") "should be coordinated in a timely fashion with the existing planning, review, and project approval process being used by each public agency." CCR Section 15004(c).

Response to Comment 7.1: The City of Victorville is not aware of any action by the Planning Commission deeming the HCSD as being significantly affected by the proposed General Plan update. Therefore, it appears that the City is under no legal duty to seek consultation from HCSD. Mr. Kennedy's assertions regarding inter-agency consultation is his opinion and is not based on statutory requirements. Actually, the HCSD was well aware of the City's intentions for industrial activity north of SCLA as it was referenced and accepted by Milo Stormo in his letter of December 12, 2005. In addition, the HCSD, including the commenter, received notification from the Local Agency Formation Commission for LAFCO 3038 and 3082, which reference the City's sphere of influence. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 7.2: Notice of Preparation: Victorville failed to circulate the NOP to all interested parties as required by CEQA since a copy of the NOP was never furnished to HCSD.

Response to Comment 7.2: The City of Victorville did not receive written correspondence from HCSD requesting to be notified regarding the General Plan project. As noted in Response to Comment 7.1, the City is under no legal duty to seek consultation from HCSD. Mr. Kennedy's assertions regarding notification of HCSD is not based on statutory requirements. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 7.3: Content and Preparation of the DEIR: The DEIR must be at once both comprehensive and specific. It must concentrate on the Project's long-term "cumulative" impacts, but must also contain enough details to anticipate "many subsequent activities within the scope of the project." However, the Project as described in the DEIR seems to contemplate a plan by Victorville to include a

large industrial area in the western portion of the sphere area which would extend to HCSD's current southern boundary.

Before using the DEIR prepared by someone else, Victorville must subject the document to its own review and analysis so that the DPEIR reflects its own independent judgment.

Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA for administering its responsibilities under CEQA. However, no specific reference to Victorville's own CEQA guidelines is readily apparent from the DEIR. As such, HCSD formally requests a copy of any such guidelines.

Victorville presents conclusions unsubstantiated and unsupported by empirical or experimental data, scientific authorities or explanatory information. Based upon the comments reflected herein, HCSD believes that there is substantial evidence indicating that the DEIR failed to include information relevant to the significant effects of the project, alternatives, and mitigation measures.

Response to Comment 7.3: See response to comment 7.1 – The HCSD acknowledged and accepted the desire of the City to utilize industrial development for the protection of Southern California Logistics Airport. The City of Victorville adopts by reference the CEQA Guidelines and does not follow local guidelines unique from required state CEQA requirements.

The Victorville General Plan 2030 and its EIR is the result of a multiyear effort that included six public workshops and a scoping meeting; technical consultants by registered traffic engineers, infrastructure engineers, water supply engineers, and geologists; technical studies by state certified biologists, cultural resources specialists, noise consultants and air quality consultants; and studies and analyses by highly credentialed and experienced economist, land use planners and environmental analysts. This information is contained in the many hundreds of pages contained in the DEIR and its appendices.

Mr. Squire's comments are based on opinion and are conclusory in nature. This comment is not supported by technical studies or expert opinion. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 7.4: Notice of Completion: It is unclear whether Victorville has complied with this requirement.

Response to Comment 7.4: A Notice of Completion was filed with the State Clearinghouse for the 45-day CEQA public review period, beginning on August 15,

2008 and ending September 29, 2008. Mr. Squire can access this information on the State Clearinghouse's website (<http://www.ceqanet.ca.gov/>). No further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 7.5: Public Notices: At the same time that the lead agency sends a NOC to OPR, the lead agency must also notify the public that a draft EIR is available for review.

Response to Comment 7.5: Notices of availability were distributed consistent with state law. As noted in Response to Comment 7.1, the City is under no legal duty to seek consultation from HCSD. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

HOMAN & STONE
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

12 NORTH FIFTH STREET
REDLANDS, CALIFORNIA 92373
(909) 307-9380
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ITEM 2

NORTHERN CALIFORNIA
2121 N. CALIFORNIA BLVD., SUITE 290
WALNUT CREEK, CALIFORNIA 94596
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LOS ANGELES/ORANGE COUNTY
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DIAMOND BAR, CALIFORNIA 91765
(909) 843-6323
FACSIMILE: (909) 861-4568

INTERNET
Kpatterson@homan-stone.com

September 19, 2008

VIA FEDERAL EXPRESS
Airbill Number 7900 8959 2474

City of Victorville
Attn: Planning Commission
14343 Civic Drive
Victorville, California 92393

Received
SEP 22 2008
Development Dep

Re: Parcel Map 17238 (Stoddard Wells Road at Dante Street)
H&S Client: Raja Edirisuriya
Subject: Request for Continuance of Hearing on General Plan Amendment / Adoption of Proposed Specific Plan

To the Honorable Planning Commission:

This letter shall serve to inform the City of Victorville ("City") of Raja Edirisuriya's objection to the adoption of the General Plan Amendment and Specific Plan (as proposed) in connection with 68 acres generally located at the north west corner of Stoddard Wells Road and Dante Street, within in Parcel Map 17238 ("Property") and request for a continuance of the hearing for adoption of same.

On September 18, 2008, Mr. Edirisuriya learned that on September 24, 2008, the Planning Commission is scheduled to take action on a General Plan Amendment for an area referred to as the "Golden Triangle," which encompasses the Property.

Mr. Edirisuriya has spent substantial funds planning the development of the Property in preparation for formal application to the City. It is our understanding that the proposed Specific Plan will re-zone a large portion of the Property from Light Industrial to Open Space, presumably due to the existing creek/channel that runs through the middle of the Property. The proposed Specific Plan also realigns a portion of Stoddard Wells Road and adds a new road which will bisect the Property. The proposed changes will so adversely impact the Property that it will render development unfeasible and the considerable time, efforts and financial resources expended as complete waste.

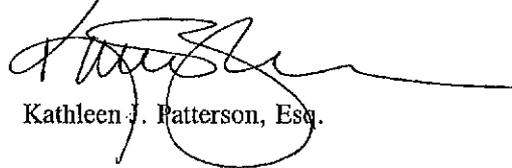
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City of Victorville
Attn: Planning Commission
September 19, 2008
Page 2

We are perplexed that our client has neither been notified by the City of the hearing regarding adoption of the General Plan Amendment and Specific Plan since his representatives have been in ongoing and recent contact with City planners regarding development plans. Nevertheless, it is Mr. Edirisuriya's goal and intent to work with the City to ameliorate concerns and develop a Light Industrial project of which the City will be proud.

Mr. Edirisuriya considers the City of Victorville to be an excellent location to build families, homes and businesses. Therefore, we respectfully request that the Planning Commission continue the relevant agenda items sixty (60) days to afford Mr. Edirisuriya and his development team to meet with the City Planner to work out their mutual concerns.

Very truly yours,



Kathleen J. Patterson, Esq.

cc: Mr. Bill Webb, AICP
Development Director
City of Victorville

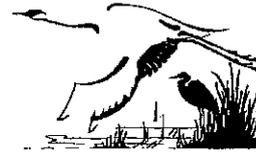
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L:\Edirisuriya - Stoddard Wells Road 1\Letters\City of Victorville-001.wpd

8. Commenter: Kathleen Patterson, Homan and Stone, representing Raja Edirisuriya, dated September 19, 2008.

Comment 8.1: Raja Edirisuriya objects to the General Plan Amendment and Specific Plan (as proposed) in connection with 68 acres generally located at the north west corner of Stoddard Wells Road and Dante Street that will re-zone a large portion of the Property from Light Industrial to Open Space.

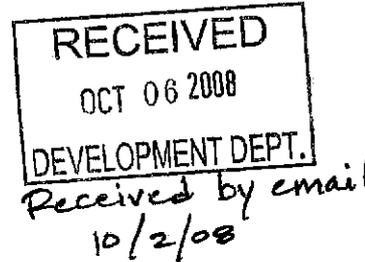
Response to Comment 8.1: Ms. Patterson's comment expresses her client's opinion regarding the proposed Project. The Project is a General Plan amendment and pre-zoning for currently unincorporated areas of the City. There is no specific plan adoption included as part of the project. The comment does not address the content or findings of the DEIR, but rather proposed Project land use changes. This comment will be forwarded to the City Council for their consideration along with the proposed General Plan 2030. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



October 1, 2008

Chris Borchert, Assistant Director of Planning
City of Victorville
P. O. Box 5001
14343 Civic Drive
Victorville, CA 92393-5001



Dear Chris:

Tom Dodson & Associates (TDA) serves as the environmental consultant for the San Bernardino County Local Agency Formation Commission (LAFCO or Commission) which will serve as a Responsible Agency for future sphere expansions and annexations within the City of Victorville's "planning area" as defined in the General Plan Draft Environmental Impact Report (EIR). On behalf of the Commission I have compiled comments on the EIR based on review by the Commission staff and me. We have developed the following specific comments on the content of this document with the goal of enhancing the environmental document so it can be used by LAFCO for future responsible agency actions under the California Environmental Quality Act (CEQA). Overall, the City has compiled an impressive data base from which it can forecast potential significant adverse impacts of future development in compliance with the updated General Plan. However, there are a number of issues for which we have developed questions and some suggestions for improving the content of the final EIR. Limited editorial comments are also provided along with the substantive comments for the City's consideration.

Comments on the specific text of the document are discussed in the order that they occur in the City's Draft EIR.

Page 1-2, Scope of EIR: The components of this discussion are confusing and should be more clearly defined. Such as: #2 should clearly define that you are pre-zoning the existing sphere of influence area and as well as the 2,049 acres and evaluating the annexation of this area to the City and Water District to implement that zoning. #3 should clearly define that it is a City and Water District sphere of influence expansion, this is not clearly identified; and #4 is the annexation to the Water District. In addition on page 3-3 it identifies that you are proposing the annexation of the southern Spring Valley Lake Area to the Water District. This should be included in this discussion for clarity of action needed. No where does this document say that it is evaluating the annexation of any of these properties.

Page 1-4, please explain the rationale regarding the 2035 date for the traffic forecast. Given all of the focus on the 2030 planning horizon it does not make sense to select a different date for circulation system impacts. It is also not clear whether the data for growth was updated to 2035. Please clarify.

Page 1-5, top paragraph: what is the "Agency" referred to in this paragraph?

Page 2-1, last paragraph, last line: should it read "The City has determined that there is no need for the element in the General Plan as they are unnecessary and cumbersome?"

Page 2-2, #1: The City intends to annex the area within its existing northern sphere of influence, an additional 2049 acres not specifically defined and the Coad Road Island Areas. Somewhere in this discussion this should be clearly identified. #3 should identify that the City is proposing to annex the northern sphere of influence plus the additional 2,049 acres to the Victorville Water District.

The last sentence needs to be rewritten.

Page 3-4, Item #2 identifies that the City is pre-zoning a portion of the sphere expansion area. This is very confusing in this document. It does not identify that the City is proposing annexation as well.

Item #3, identifies an expansion of the sphere of influence to include 30,000. Why 30,000? Our sphere expansion application and other portions of this document identify that the sphere expansion is 37,000. The 30,000 value and the 2,049 in #2 leaves about 5,000 acres unaccounted for.

Item #4 states expansion of the Water District boundary, which is annexation, for only the northern sphere of influence, which excludes the 2,049-acre expansion identified in #2. The discussion then ends in with a discussion of the expansion of the District for the southern Spring Valley Lake area. This is the only place this is identified in the document and it needs to be expanded upon somewhere in the text of the EIR.

Item #4: This identifies the expansion of the Victorville Water District boundary and consequently the expansion of the water district's sphere. However, a portion of the proposed annexation is outside the Water District's existing sphere.

Page 3-8: Although the discussion does indicate that the pre-zoning of the northern sphere is only for a portion (existing northern sphere +2,049 acres of the proposed northern sphere) the title does not identify this clearly. It is suggested that the title read as "Pre-zoning of Portion of Northern..."

Page 3-8: The discussion on this page indicates the City is proposing annexation following adoption of the General Plan. Annexation, with all of its public service and utility issues, are not clearly identified in this document.

Page 3-9, 3.3.3 Northern Expansion Sphere of Influence: This identifies the sphere expansion for the City, but does not identify the expansion of the Victorville Water District sphere expansion. This is pertinent since Item 3.3.4 is the discussion about the expansion of the Victorville Water District. Again, a portion of the proposed Water District's expansion area is currently not in the District's existing sphere. Therefore, the sphere expansion should be identified first.

3-10: continuation of 3.3.3, 2nd paragraph, this sentence needs to be rewritten.

Page 3-32: acreage identified for Northern Expansion is listed as 34,797. Please rationalize with the previous figures.

Page 3-40, Public Actions: This identifies that LAFCO is responsible for approving some of the project components. LAFCO is responsible for approval of the City's northern sphere expansion; LAFCO is not responsible for approving the pre-zoning of the City's existing sphere including the additional 2,049 acres. Pre-zoning is a requirement before annexation can take place. The City

approves the pre-zoning of the sphere and LAFCO will identify the City's pre-zone designations and use the City's environmental Assessment (EIR) for LAFCO's review of the annexation proposal, as a Responsible Agency under CEQA; it is also accurate that LAFCO is responsible for the approval of the Water District's sphere expansion.

The document does not identify that LAFCO will be approving the annexation to the VWD in the Northern Sphere Expansion.

Page 4.7, Section 4.4-2, this paragraph needs to be rewritten to identify that the action taken by LAFCO was to consolidate the two districts into the Victorville Water District, establishing it as a subsidiary district of the City. This section implies that the City provides water service which is inaccurate.

Section 4-7: The water system description is very cursory. Perhaps, the best alternative is to reference a more detailed description in the hydrology or utilities section of the EIR.

Page 4-9: The Mojave Forks Dam does not store any water, it only holds water when flows are high enough to pose a flood hazard. Please clarify.

Page 4-11: Tortoise have been found within the City limit. This is inaccurate. They have been found in several location, west of the Mojave River and east of the River. This statement needs to be corrected.

Page 4-12: A very old footprint was found on the Mojave River adjacent to the VVWRA WWTP. This is a very significant cultural resources find

Section 5.1-7: The analysis in the aesthetics section is fairly comprehensive, but there is no discussion of the visual settings and values within either the north area proposed for annexation or the proposed sphere area. The existing visual characteristics will be totally altered based on the level of development envisioned in the General Plan, even though the core hillsides will be protected. Does this change from relatively undeveloped condition to a developed condition, particularly within the I-15 corridor, represent a significant change. Please address this issue in responses to comments since it is one of the issues that must be considered by LAFCO in considering future annexations or sphere expansion.

Page 5.2-6: The discussion of impacts to remaining agricultural land devolved into a plan to plan comparison rather than an evaluation of potential impact to prime agricultural land. Based on the data in Section 5.2 it appears that implementing the updated General Plan will cause the loss of a modest amount of prime agricultural land. Is this loss significant? Does it require mitigation? Please address.

Page 5.2-8: The loss of prime agricultural land envisioned in the new General Plan will contribute to cumulative loss of such acreage. Do the surrounding City's and County have prime agricultural land that will also be lost and would this result in a cumulatively significant loss within the Victor Valley?

Page 5.3-19: What does the value 205.3 mean? Please clarify.

Page 5.3-21: Please explain how the General Plan provisions reduce potential impacts to sensitive receptors to a less than significant level if air quality is going to degrade as a result of implementing the General Plan? It would appear that sensitive receptors will be exposed to worse air quality in the area.

Page 5.3-23: The cumulative impact of air quality in the Victor Valley is not characterized in the discussion. If available, please provide a summary of forecast growth for demand within the Victor Valley and the total anticipated increase in emissions. This information also needs to be provided for the proposed north annexation and sphere expansion areas based on anticipated development.

Page 5.4-42: The overall evaluation of biological resources is impressive. There are just a few biological resource issues that should be given consideration in this EIR. First, I have found desert tortoise occupying three areas of the City over the past few years, so they are still present. Second, there is no compilation of acreage of each habitat type that will be lost through development over the planning horizon within the City. From a cumulative evaluation standpoint, there is no discussion of the total amount of various habitat types that will be eliminated in the Victor Valley. Finally, given that once the habitat impacts are compiled, I believe that it would be appropriate to reassess whether there is sufficient habitat for adequate mitigation within the West Mojave Plan area for areas occupied by desert tortoise and Mohave ground squirrel. Adequate mitigation acreage may not exist and this could lead to a significant adverse impact.

Page 5.6-6: This map does not provide any slope data for the proposed northern sphere expansion area. Is such data available? It would be important to understand the slope constraints within this area in terms of future provision of access and utilities.

Page 5.7-3: Regarding SCLA contaminated sites, I believe data are available that identifies how many of the sites have been remediated and those where clean-up activities continue. Suggest that this information be included.

Page 5.7-24: The map on this page does not show any existing emergency response facilities located within the proposed north annexation area or the proposed north sphere area. No discussion is provided of the level of facilities that would be required by anticipated development of these two areas. Some general discussion of these areas and the level of such facilities should be provided or referenced in this section.

Page 5.8-2: Suggest clarifying what has a discharge of 51,440 acre feet (AF); it is assumed to be the Mojave River. The last sentence on this page does not make sense, please clarify as the Mojave River does not flow continuously, except at the Narrows.

Page 5.8-6: Second paragraph from the bottom should read "City of Victorville and its sphere of influence.. Also it would be helpful if the appendix included a copy of the Water Supply Assessment for the General Plan.

Top of page, the statement is made that the VWD provides the water supply for the "planning area." However, the planning area includes areas that have not yet been annexed to the City and the proposed sphere expansion area in which the VWD does not provide water. This should be clarified in the EIR. Also, it is not clear whether the WSA discussed on this page encompasses the proposed north annexation and sphere expansion areas. The implication is that it does not. Please clarify.

Page 5.8-7: Water System Interconnections, last line should read San Bernardino County Service Area 64, not County Service District.

Water consumption identifies the Desert Gateway Specific Plan which is not referenced at any other location in this document. Please clarify why.

Page 5.8-8: The text should be revised to clarify that the California Aqueduct is not a source of water, it conveys State Project Water.

Page 5.8-18: suggest modifying the text "overall mainstreams" to "over all main stem channels"

Page 5.8-26: Impact discussion, first line should read "to describe the Victorville Water District's supply available.."

Regarding the scope of the water demand projections, without comparable level data for the proposed north annexation area and proposed north sphere area, the water supply and demand data may be substantially underestimated, and this EIR may not be sufficient, on its own, for considering future annexations and sphere expansion in these areas.

Page 5.8-27: A major concern with the adequacy of the EIR occurs with the statement of assumptions on this page. The rest of the analysis and the impact findings are based on these assumptions, which require future actions that the City cannot control. As a result, I believe that the remainder of the analysis for both the General Plan water supply impacts and the cumulative impacts are flawed, and probably inadequate. A few years ago, a large specific plan project in the Sierra Foothills conducted a water supply analysis and when litigated, the court found the discussion of water supply inadequate because of the assumptions. For example, the EIR discussion indicates that the VWD's goal is to reduce pumping to 80% of the 2005 level, or about 20,000 acre-feet per year. Using the Carollo estimate of about 64,000 acre-feet of water required in 2030, that means that an estimated 44,000 acre-feet of additional water must be acquired to meet the VWD's water supply requirements. The analysis assumes this water will be available and then concludes that this increase in demand is a less than significant impact, directly on groundwater resources and indirectly on water supply.

We suggest that the analysis provide an accounting of water availability locally, regionally (MWA), and statewide. This analysis should take into account drought conditions and future effects of climate change. Either the analysis must demonstrate where the additional water supply can be obtained with some level of assurance, or document potential shortfall based on projected water consumption and reach a new conclusion regarding potential significance of adverse impacts on groundwater resources and water supply. Absent such information the hydrology and water supply effects do not appear to be adequately addressed in this document.

Page 5.8-28: The statement at the bottom of the page regarding water supply requirements for the proposed north annexation and sphere areas is the sum of analysis for the water supply issue. For LAFCO to consider Sphere expansion and annexation, more data on ability to meet water supply requirements, given the City's vision of development for these areas, is needed.

Page 5.8-32: After citing all of the planning policies that will be used to control runoff, there is no discussion regarding the change in runoff. Simply stated, does the City anticipate that the development in accordance with the new General Plan will result in changes in the volume of runoff

reaching main stem flood control channels, and will modifications in these channels be required to handle the future flows?

Page 5.8-39: We concur that the likelihood of dam failure and inundation is very low. However, has there been any dam inundation maps prepared that would show hazards downstream in Victorville? It is probable that a failure of the Mojave Forks Dam with substantial water stored would exceed the 100-year flood hazard zone. Some data would assist the finding for this issue.

Page 5.8-41: The cumulative impact analysis for groundwater levels, overdraft and water supply need to be expanded as described above.

Page 5.9-27: One of the quirks of sphere and annexation actions is that, unlike general plan actions, they do require a plan to plan analysis, because the potential impact is related to a change in jurisdiction. Thus, if the County and City land use designations are the same when an annexation is proposed, any future development under either jurisdiction would be generally comparable in terms of physical impacts. To assist LAFCO with future annexations and sphere expansions, it is recommended that the underlying County land use designations for the proposed northern annexation area and the proposed northern sphere expansion area be compared with those proposed by the new City General Plan. Defining the difference between these land use designations in the two jurisdictions would facilitate evaluation of all public service and utility issues for these areas and would allow the General Plan EIR to be used by LAFCO when applications for either annexation or sphere expansion are proposed in the future. In addition, by defining the difference between County and proposed City land use designations the land use effects of adopting the General Plan can be better characterized. Also, please note, LAFCO has no responsibility for rezoning within a City; current LAFCO law requires rezoning by the local jurisdiction prior to considering any annexation.

Page 5.13-1: second line should read San Bernardino County Fire Protection District and its North Desert Service Zone by contract. This section does not describe how ambulance service is to be provided.

Page 5.13-4: The Parks description should be added as follows: Currently, the Victorville Recreation and Park District, a subsidiary District of the City, provides for operation of all City parks. LAFCO has approved the dissolution of this agency with the City of Victorville designated as its successor, but this matter has not been completed.

Page 5.13-9: Should identify the San Bernardino County Fire Protection District and North Desert Service Zone. Last line first paragraph should end with "...through expansion of its existing contract terms."

The correction to the name of the SBCFPD should be made throughout this section.

Chapter 5.14: The recreation section should identify that at the present time the park and recreation services are provided through the Victorville Park and Recreation District, a subsidiary district of the City.

Page 5.16-1, second paragraph from the bottom should identify County Service Area 42 and County Service Area 64. The water supply section seems to gloss over the actual water issues for this region. Please refer to comments on Section 5.8. The overall context of water supply at all

Mr. Chris Borchert
October 1, 2008
Page 7

levels, local, regional and statewide, need to be address or referenced in this section of the document.

Page 5.16-19: San Bernardino County, second line should readcoordinated through the Special Districts Department managing the County Service Areas and Improvement Zones. Last line of this paragraph should read.. Unincorporated area known as Spring Valley Lake. County Service Area 42 provides water, sewer, park and street lighting services to the community of Oro Grande.

Page 5.16-20, first line: do not understand the reference to Metropolitan at this point. Last line of the paragraph should read "Public water providers in Victorville include County Service Area 64, County Service Area 42 and the Victorville Water District.

As noted at the beginning of these comments, most of them are editorial in nature. For the most part the document provides the information that decision-makers and the interested public require to make an informed decision. A few substantive issues were identified that require clarification or additional information to fully substantiate conclusions, in particular the groundwater issue and water supply. LAFCO staff and I are available to respond to any questions that you may have and to provide further suggestions to respond to these comments and complete the Final EIR. Do not hesitate to give me a call if I can provide assistance.

Sincerely,



Tom Dodson

cc: Kathleen Rollings-McDonald, LAFCO

9. Commenter: Tom Dodson, Tom Dodson & Associates (TDA), environmental consultant for the San Bernardino County Local Agency Formation Commission (LAFCO), dated October 1, 2008.

The majority of Mr. Dodson's comments are limited editorial clarifications. The City acknowledges that LAFCO will be using the General Plan 2030 EIR for future responsible agency actions under CEQA, and that LAFCO has a substantive interest in the limited editorial comments offered. Consequently, the clarifications noted under comment 9.1 will be incorporated into the EIR. These revisions to the EIR clarify information for future use of the document by LAFCO. The revisions do not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to recirculate the DEIR.

Other comments raised by Mr. Dodson are directed to the analysis and findings of the DEIR. These comments are more specifically addressed under comments 9.2 through 9.xx

Comment 9.1: The limited editorial comments that will be incorporated into the EIR are listed below by page number.

Page 1-2, Scope of EIR: The components of this discussion are confusing and should be more clearly defined. Such as: #2 should clearly define that you are pre-zoning the existing sphere of influence area and as well as the 2,049 acres and evaluating the annexation of this area to the City and Water District to implement that zoning. #3 should clearly define that it is a City and Water District sphere of influence expansion, this is not clearly identified; and #4 is the annexation to the Water District. In addition on page 3-3 it identifies that you are proposing the annexation of the southern Spring Valley Lake Area to the Water District. This should be included in this discussion for clarity of action needed. No where does this document say that it is evaluating the annexation of any of these properties.

Page 1-5, "Agency" should be replaced with "City".

Page 2-1, last paragraph, last line: should it read "The City has determined that there is no need for the element in the General Plan as they are unnecessary and cumbersome."

Page 2-2, #1: The City intends to annex the area within its existing northern sphere of influence, an additional 2049 acres not specifically defined and the Coad Road Island Areas. Somewhere in this discussion this should be clearly identified. #3 should identify that the City is proposing to annex the northern sphere of influence

plus the additional 2,049 acres to the Victorville Water District. The last sentence needs to be rewritten.

Page 3-4, Item #2 identifies that the City is pre-zoning a portion of the sphere expansion area. This section should identify that the City is proposing annexation as well. Item #3, identifies an expansion of the sphere of influence to include 30,000. Our sphere expansion application and other portions of this document identify that the sphere expansion is 37,000. The 30,000 value and the 2,049 in #2 leaves about 5,000 acres unaccounted for. Item #4 states expansion of the Water District boundary, which is annexation, for only the northern sphere of influence, which excludes the 2,049-acre expansion identified in #2. The discussion then ends in with a discussion of the expansion of the District for the southern Spring Valley Lake area. This is the only place this is identified in the document and it needs to be expanded upon somewhere in the text of the EIR. Item #4: This identifies the expansion of the Victorville Water District boundary and consequently the expansion of the water district's sphere. However, a portion of the proposed annexation is outside the Water District's existing sphere.

Page 3-8: Although the discussion does indicate that the pre-zoning of the northern sphere is only for a portion (existing northern sphere +2,049 acres of the proposed northern sphere) the title does not identify this clearly. It is suggested that the title read as "Pre-zoning of Portion of Northern..."

Page 3-8: The discussion on this page indicates the City is proposing annexation following adoption of the General Plan. Annexation, with all of its public service and utility issues, are not clearly identified in this document.

Page 3-9, 3.3.3 Northern Expansion Sphere of Influence: This identifies the sphere expansion for the City, but does not identify the expansion of the Victorville Water District sphere expansion. This is pertinent since Item 3.3.4 is the discussion about the expansion of the Victorville Water District. Again, a portion of the proposed Water District's expansion area is currently not in the District's existing sphere. Therefore, the sphere expansion should be identified first.

Page 3-10: continuation of 3.3.3, 2nd paragraph, this sentence needs to be rewritten.

Page 3-32: acreage identified for Northern Expansion is listed as 34,797. Please correct consistent with the previous figures.

Page 3-40, Public Actions: This identifies that LAFCO is responsible for approving some of the project components. LAFCO is responsible for approval of the City's northern sphere expansion; LAFCO is not responsible for approving the pre-zoning of the City's existing sphere including the additional 2,049 acres. Pre-zoning is a

requirement before annexation can take place. The City approves the pre-zoning of the sphere and LAFCO will identify the City's pre-zone designations and use the City's environmental Assessment (EIR) for LAFCO's review of the annexation proposal, as a Responsible Agency under CEQA; it is also accurate that LAFCO is responsible for the approval of the Water District's sphere expansion. The document does not identify that LAFCO will be approving the annexation to the VWD in the Northern Sphere Expansion.

Page 4.7, Section 4.4-2, this paragraph needs to be rewritten to identify that the action taken by LAFCO was to consolidate the two districts into the Victorville Water District, establishing it as a subsidiary district of the City. This section implies that the City provides water service which is inaccurate.

Page 4-9: The Mojave Forks Dam does not store any water, it only holds water when flows are high enough to pose a flood hazard. Please correct.

Page 5.3-19: 205.3 should be "2010".

Page 5.8-6: Second paragraph from the bottom should read "City of Victorville and its sphere of influence. Also it would be helpful if the appendix included a copy of the Water Supply Assessment for the General Plan. Top of page, the statement is made that the VWD provides the water supply for the "planning area." However, the planning area includes areas that have not yet been annexed to the City and the proposed sphere expansion area in which the VWD does not provide water. This should be clarified in the EIR. Also, it is not clear whether the WSA discussed on this page encompasses the proposed north annexation and sphere expansion areas. The implication is that it does not. Please clarify.

Page 5.8-7: Water System Interconnections, last line should read San Bernardino County Service Area 64, not County Service District.

Page 5.8-8: The text should be revised to clarify that the California Aqueduct is not a source of water, it conveys State Project Water.

Page 5.8-18: suggest modifying the text "overall mainstreams" to "over all main stem channels"

Page 5.8-26: Impact discussion, first line should read "to describe the Victorville Water District's supply available..."

Page 5.8-2: Suggest clarifying what has a discharge of 51,440 acre feet (AF). Please clarify as the Mojave River does not flow continuously, except at the Narrows.

Page 5.13-1: second line should read San Bernardino County Fire Protection District and its North Desert Service Zone by contract. This section does not describe how ambulance service is to be provided.

Page 5.13-4: The Parks description should be added as follows: Currently, the Victorville Recreation and Park District, a subsidiary District of the City, provides for operation of all City parks. LAFCO has approved the dissolution of this agency with the City of Victorville designated as its successor, but this matter has not been completed.

Response to Comment 9.1: As discussed above, the EIR will be reviewed to incorporate these changes. These revisions to the EIR clarify information for future use of the document by LAFCO. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to recirculate the DEIR.

Comment 9.2: Page 1-4, please explain the rationale regarding the 2035 date for the traffic forecast.

Response to Comment 9.2: The 2035 horizon year was used in the City traffic model, completed 2008, to comply with SCAG and SANBAG regional traffic projections and traffic models. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to recirculate the DEIR.

Comment 9.3: Page 4-12: A very old footprint was found on the Mojave River adjacent to the VVWRA WWTP.

Response to Comment 9.3: The cultural and paleontological resource information contained in the DEIR was provided by CRM TECH, a cultural resource consulting firm. The City appreciates Mr. Dobson's observation regarding a very old footprint on the Mojave River. The proposed General Plan 2030 designates the land along the Mojave River corridor as Open Space, a designation which would limit disruption of potential cultural resources. In addition, the DEIR recommends mitigation measures CUL-1 through CUL-4, which include an on-site paleontological/archaeological inspector to monitor future grading operations. These measures are intended to identify and protect cultural resources within the Planning Area.

This comment does not identify a new significant environmental impact or a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 9.4: Page 5.2-6: The discussion of impacts to remaining agricultural land devolved into a plan to plan comparison rather than an evaluation of potential impact to prime agricultural land.

Response to Comment 9.4: Agricultural resources are assessed in the DEIR according to thresholds outlined in Appendix G of the CEQA Guidelines. This evaluation includes analysis of currently mapped Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; conflicts with existing zoning for agricultural use, or a Williamson Act contract; and conversion of Farmland to non-agricultural use. Cumulative impacts to agricultural resources also are discussed. Mr. Dodson's comment is not supported by the CEQA Guidelines. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 9.5: Page 5.3-21: Please explain how the General Plan provisions reduce potential impacts to sensitive receptors to a less than significant level if air quality is going to degrade as a result of implementing the General Plan? It would appear that sensitive receptors will be exposed to worse air quality in the area.

Response to Comment 9.5: As discussed in Section 5.3.4.3 of the DEIR, The proposed Land Plan includes several geographical areas where residential and non-residential land uses abut each other. The Circulation Element includes numerous geographical areas where expanded or new roadways are located adjacent to residential and recreational uses. In both situations, sensitive receptors may be exposed to air pollutant emissions above state or federal standards. Potential air quality impacts, in most situations, may be reduced to acceptable levels by proper site planning, setbacks, and appropriate roadway capacity. Proposed General Plan 2030 Resource Element Goal 6, Objective 6.2, Policy 6.2.1 and related implementation measures are intended to reduce health risks associated with siting sensitive land uses near air pollutant emitting sources. These General Plan provisions are expected to reduce potential air quality impacts to sensitive receptors to less than significant levels.

The cumulative air quality analysis is based on cumulative future traffic and summarized in Appendix C of the DEIR. The air quality section of the DEIR was based on an air quality study by Giroux & Associates, a highly credentialed professional. Mr. Dodson provides no technical references sources to support his

comment, which is based on opinion and conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 9.6: Page 5.4-42: The overall evaluation of biological resources is impressive. I have found desert tortoise occupying three areas of the City over the past few years, so they are still present. From a cumulative evaluation standpoint, there is no discussion of the total amount of various habitat types that will be eliminated in the Victor Valley.

Response to Comment 9.6: Section 5.4 of the DEIR discussion of biological resources is based on a technical biological resources study by Robb Hamilton, Consulting Biologist. Based on that study, the DEIR finds that the Desert Tortoise, which is classified as a threatened species and is covered by a federal species recovery plan (USFWS 1994), has occurred within Victorville's city limits historically, but have not been found there in recent years. The City appreciates Mr. Dobson's observances regarding the Desert Tortoise. In recognition that Desert Tortoise could occur in the Planning Area, the DEIR recommends BIO-2, which requires the City to continue working with the USFWS and CDF&G to ensure that individual projects comply with federal and state laws protecting this species.

Regarding the assessment of habitat, the DEIR finds that potential biological resources are most likely to occur along the Mojave River corridor and the undeveloped Northern Expansion Area. Areas along the Mojave River are proposed to be designated Open Space by the General Plan 2030, which would preserve existing habitat. Regarding the Northern Expansion Area, the General Plan 2030 designates most of the area Open Space. The locations and configurations of future development in the areas proposed for urban uses are not known at this time. Consequently, it would be highly speculative to estimate the amount of habitat that would be eliminated. Rather, it is a goal of the proposed Resource Element to conserve important habitat, preserving land containing native habitat that sustains rare, threatened or endangered species. This goal and its supporting policies and implementation measures are further supported by BIO-1 through BIO-7 that are recommended by the DEIR for inclusion in the project.

This comment does not identify a new significant environmental impact or a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 9.7: Page 5.6-6: This map does not provide any slope data for the proposed northern sphere expansion area.

Response to Comment 9.7: As discussed in Section 5.6.4 of the DEIR, because the proposed Northern Expansion Area is largely undeveloped, slope information for this proposed SOI is not currently available. Both the proposed General Plan 2030 Resource and Safety Elements provide measures to ensure that appropriate technical studies are conducted prior to new development (reference Resource Element Implementation Measure 3.2.1.1 and Safety Element Implementation Measures 1.2.1.1 and 1.2.1.2). These measures are expected to ensure that slopes and other geologic conditions in the proposed Northern Expansion Area are properly identified and addressed prior to development.

This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 9.8: Page 5.7-3: Regarding SCLA contaminated sites, I believe data are available that identifies how many of the sites have been remediated and those where clean-up activities continue.

The map on this page does not show any existing emergency response facilities located within the proposed north annexation area or the proposed north sphere area.

Response to Comment 9.8: The information provided in Section 5.7 regarding hazardous waste sites is the most current available through DOTSC. The section is prepared consistent with CEQA Guidelines. Emergency response facilities are listed and mapped in the Safety Element. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 9.9: Water Consumption: Please clarify why the Desert Gateway Specific Plan is not referenced at any other location in this document. Please clarify why. Regarding the scope of the water demand projections, without comparable level data for the proposed north annexation area and proposed north sphere area, the water supply and demand data and groundwater assessment may be substantially underestimated, and this EIR may not be sufficient, on its own, for considering future annexations and sphere expansion in these areas.

Response to Comment 9.9:

The WSA is a technical document prepared and substantiated by qualified engineer and water supply experts. Mr. Dodson's assertions regarding the WSA are opinions that are not based on technical engineering studies or substantiated

findings, and are conclusory in nature. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 9.10: Page 5.9-27: To assist LAFCO with future annexations and sphere expansions, it is recommended that the underlying County land use designations for the proposed northern annexation area and the proposed northern sphere expansion area be compared with those proposed by the new City General Plan.

Response to Comment 9.10: Section 5.12.4 of the DEIR contains a comparison of proposed City land use designations to existing County designations in the northern SOI. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

NATIVE AMERICAN HERITAGE COMMISSION

916 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-6990
Web Site www.nahc.ca.gov
e-mail: de_nahc@pacbell.net



September 17, 2008

RECEIVED
SEP 25 2008
DEVELOPMENT DEPT.

Mr. Chris Borchert, Planner
CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
P.O. Box 5001
Victorville, CA 92393-5001

Re: SCH#2008021086; CEQA Notice of Completion: Tribal Consultation Per SB 18 (Government Code §§ 65352.3, 65352.4 and 65562.5) for Project- General Plan Amendment Update, 2020; City of Victorville: San Bernardino County, California

Dear Mr. Borchert:

We prefer to comment on this above-referenced project in terms of a 'Government-to-Government' Consultation in lieu of our normal CEQA review process..

Government Code §§ 65352.3, 65352.4 and 65562.5 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. Attached is a Native American Tribal Consultation list of tribes with traditional lands or cultural places located within the requested project boundaries

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS contact 916/653-7278 or www.ohp.ca.gov) to determine if any cultural places are located within the area(s) affected by the proposed action.

If you have any questions, please contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearing House

Attachment: Native American Tribal Consultation List

**Native American Tribal Consultation List
San Bernardino County
September 17, 2008**

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105

Cahuilla

Morongo Band of Mission Indians
Robert Martin, Chairperson
11581 Potrero Road
Banning, CA 92220
Robert_Martin@morongo.org
(951) 849-8807
(951) 755-5200

Cahuilla
Serrano

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive
Highland, CA 92346
(909) 864-8933
(909) 864-3724 - FAX

Serrano

Serrano Nation of Indians
Goldie Walker
6588 Valarfa Drive
Highland, CA 92346
(909) 862-9883

Serrano

Chemehuevi Reservation
Charles Wood, Chairperson
P.O. Box 1976
Chemehuevi Valley, CA 92363
chemehuevit@yahoo.com
(760) 858-4301

Chemehuevi

Fort Mojave Indian Tribe
Tim Williams, Chairperson
500 Merriman Ave
Needles, CA 92363
(760) 629-4591

Mojave

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838
Newhall, CA 91322
tsen2u@msn.com
(661) 753-9833 Office
(760) 885-0855 Cell
(760) 949-2103 Home

Fernandefio
Tataviam
Serrano
Vanyume
Kitanemuk

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3.

10. Commenter: Dave Singleton, Program Analyst, Native American Heritage Commission, dated September 17, 2008.

Comment 10.1: We prefer to comment on the project in terms of a 'Government-to-Government' Consultation in lieu of our normal CEQA review process Government Code Sections 65352.3, 65352.4 and 65562.5 which require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places.

Response to Comment 10.1: It is the City of Victorville's standard practice to comply with Government Code Sections 65352.3, 65352.4 and 65562.5 when processing development project applications that may affect Native American cultural resources. These practices are strengthened by mitigation measures CUL-3 and CUL-4 recommended in the DEIR. This comment does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

THE MACK LAW OFFICES

74-075 El Paseo, Suite A2
Palm Desert, California 92260
Tel: (760) 346-1800 Fax: (760) 340-1650

September 24, 2008

City of Victorville
Planning Department

via facsimile and email

Re: General Plan Update 2030 - Adoption of Negative Declaration Meeting - Public Comment

To the Planning Department, City of Victorville:

This law firm represents Spring Valley Lake Association ("SVLA"). SVLA is a residential community comprised of approximately 4,800 households, or approximately 7,000 residents, and includes a recreational lake, equestrian trails and facilities, and a separately owned and managed golf course.

SVLA is concerned with the "significant and unavoidable" negative impacts in the categories of noise, increased traffic, population/housing and air quality as contemplated in the EIR. All of these categories are implicated in the proposed re-zoning in the East Bear Valley planning area and Spring Valley Lake Planning area, and specifically along the Bear Valley Parkway corridor in order to accommodate the planned new Wal-Mart at Tamarisk and Bear Valley Road.

SVLA continues to be very concerned about increasing intensity of land use encroaching upon its boundaries, having already experienced the construction of the Nutro plant and a Home Depot adjacent to its boundaries. Simply acquiescing in "significant" negative impacts as "unavoidable" without doing more to arrive at creative, responsible solutions to the negative impacts of growth is irresponsible.

SVLA appreciates the proposed plans to mitigate light pollution and to provide for security lighting in the new commercial zone which will accommodate the new Wal-Mart at Tamarisk and Bear Valley. SVLA would request that these plans, before being implemented, be permitted to be reviewed by SVLA and their input considered before any construction.

The Mack Law Offices

September 24, 2008

City of Victorville
Planning Commission
General Plan Update 2030

page 2

Air Quality. SVLA is already embroiled in litigation regarding the Nutro plant, which has been spewing noxious odors throughout the community for several years. SVLA does not need any new uses which would negatively impact its residents in terms of air quality, either as to new sources of odor, particulates or any other air quality negative impact. The EIR provides that this area will create significant and unavoidable negative effects, particularly along Bear Valley. Surely more can be done to provide adequate mitigation to reduce the impacts to less than significant.

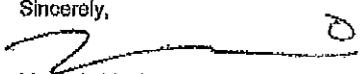
Noise. The EIR provides that the rezoning will result in excess noise, excessive groundborne noise or vibration, substantial permanent increase in ambient noise, or substantial periodic increase in ambient noise, all or any of which are significant and unavoidable. Again, SVLA is hopeful that better planning can result in solutions which will mitigate these effects to less than significant, or potentially significant.

Transportation/traffic. Bear Valley Road is notoriously negatively impacted with excessive traffic, which is already a substantial negative impact upon SVLA residents. The EIR provides that the General Plan Update and rezoning, together with other planned changes under the Update, will again create significant and unavoidable negative impacts. More creative solutions are needed. SVLA is not against sensible commercial growth to serve its members, but this should be balanced with the problem of existing traffic and the future traffic increases. It is unacceptable to simply state that these problems are "unavoidable."

SVLA understands that the City of Victorville wants to encourage the growth of jobs. However, the Bear Valley corridor is very highly concentrated with commercial sites. Perhaps the City can consider other alternatives in terms of location for changes in commercial land use zone, to accommodate commercial (or industrial) uses.

Thank you for your consideration.

Sincerely,



Maria A. Mack

11. Commenter: Marie Mack, The Mack Law Offices, representing Spring Valley Lake Association ("SVLA"), dated September 24, 2008.

Comment 11.1: SVLA appreciates the proposed plans to mitigate light pollution and to provide for security lighting in the new commercial zone which will accommodate the new Wal-Mart at Tamarisk and Bear Valley. SVLA would request that these plans, before being implemented, be permitted to be reviewed by SVLA and their input considered before any construction.

Response to Comment 11.1: Ms. Mack's comment addresses a Wal-Mart at Tamarisk and Bear Valley. This is a pending project submitted to the City of Victorville by a private entity. A separate draft project level EIR is being prepared for the proposed Wal-Mart project. The proposed Wal-Mart project and its EIR are separate actions. Ms. Mack's comment does not address this DEIR, however this comment will be forwarded to the City for consideration.

This comment does not provide new significant information relative to the General Plan 2030 that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 11.2: Air Quality. SVLA does not need any new uses which would negatively impact its residents in terms of air quality, either as to new sources of odor, particulates or any other air quality negative impact. The EIR provides that this area will create significant and unavoidable negative effects, particularly along Bear Valley. Surely more can be done to provide adequate mitigation to reduce the impacts to less than significant.

Response to Comment 11.2: As discussed in Section 5.3.4 of the DEIR, the General Plan proposes policies that comply with the California Air Resources Board (CARB) "Air Quality and Land Use Handbook: A Community Health Perspective", which provides guidelines for siting new sensitive land uses in proximity to air pollutant emitting sources. In addition, the DEIR recommends mitigation measures AQ-1 through AQ-7 to further reduce air quality impacts due to future land use development and traffic. These policies and measures are aimed at reducing air quality impacts, but not to less than significant levels.

This comment expresses a concern of the SVLA. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 11.3: Noise. The EIR provides that the rezoning will result in excess noise, excessive groundbourne noise or vibration, substantial permanent increase in ambient noise, or substantial periodic increase in ambient noise, all or any of which are significant and unavoidable. Again, SVLA is hopeful that better planning can result in solutions which will mitigate these effects to less than significant, or potentially significant.

Response to Comment 11.3: As discussed in Section 5.11.4 of the DEIR, the General Plan proposes policies intended to reduce ambient noise and place sensitive land uses away from noise generating land uses. These policies are aimed at reducing noise impacts, but not to less than significant levels.

This comment expresses a concern of the SVLA. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

Comment 11.4: Transportation/Traffic. Bear Valley Road is notoriously negatively impacted with excessive traffic, which is already a substantial negative impact upon SVLA residents. The EIR provides that the General Plan Update and rezoning, together with other planned changes under the Update, will again create significant and unavoidable negative impacts. More creative solutions are needed.

Response to Comment 11.4: As discussed in Section 5.15.3 of the DEIR, the General Plan proposes policies intended to reduce traffic congestion. In addition, the DEIR recommends mitigation measures TR-1 through TR-13 to further reduce traffic impacts due to future land use development and regional traffic. These policies and measures are aimed at reducing traffic quality impacts, but not to less than significant levels.

This comment expresses a concern of the SVLA. It does not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.

12. Commenter: Ann Carson Carr, Scott B. Eckert, Mrs. Corrine Putnam, Rev. Tom Morrison, James H. Carr, Carole L. Runne-Burdick, Simone Graham, Gerald & Nedra Murphy, Sandra Wiltshire, Heather Grounds, Rick Danzy, Residents; dated 8/28/08, 9/1/08, 9/2/08, 9/2/08, 8/28/08, 9/22/08, 9/22/08, 9/23/08, 9/22/08, 9/24/08, 9/23/08, respectively.

Each of these resident comments specifically addresses a proposed Wal-Mart at Tamarisk and Bear Valley. Consequently, a group response to these comments is provided below:

Comment 12.1: Each resident expressed their strong opposition to the proposed land use change for the Tamarisk Market Place because proposed land use changes from Office Professional to Commercial for the area involving APNs 0482-042-xx is already well established with schools, day-care centers, churches, and residential development.

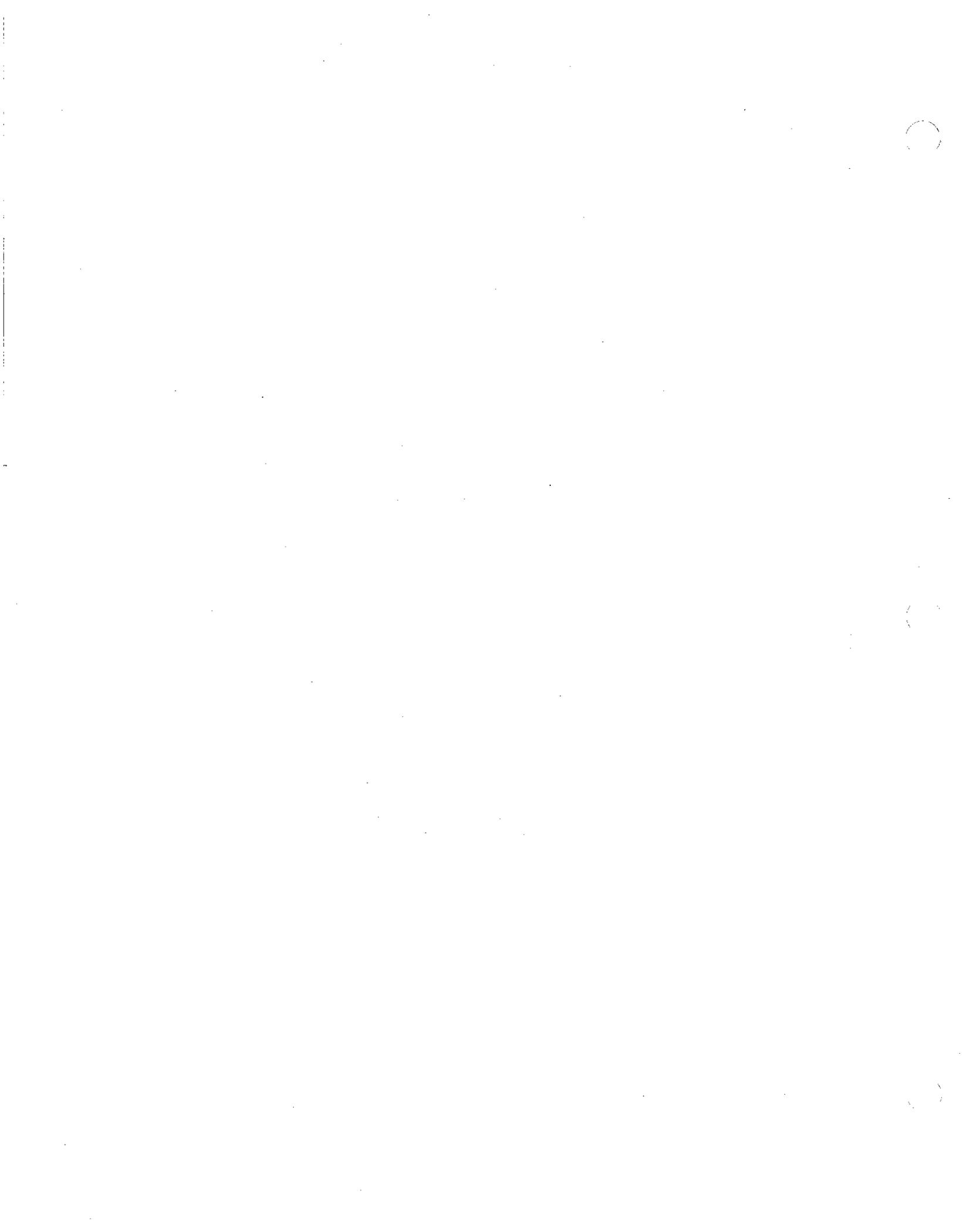
Response to Comment 12.1: As discussed in Section 3.0 of the DEIR, according to the *Strategic Market Analysis of Victorville's Commercial Zoning*, prepared by The Concord Group, January 20, 2005, in support of the General Plan, Victorville's existing General Plan has a surplus of commercially designated land relative to population. To remedy this imbalance, the General Plan 2030 proposes to focus commercial development into strategic nodes located along arterial roadways, and specifically intersections of arterial roadways. These strategic nodes for future commercial development include areas along the I-15, U.S. 395, Bear Valley Road, Palmdale Road and at key intersections, including the Tamarisk and Bear Valley Road site. The Commercial land use designation allows for a wide range of retail commercial, service commercial, and office commercial activities, and would not require the removal of any existing uses on the Tamarisk Market Place site.

The comments focus concern on a proposed Wal-Mart at Tamarisk and Bear Valley. This is a pending project submitted to the City of Victorville by a private entity. A separate draft project level EIR has been prepared for the proposed Wal-Mart project (known as the Victorville Retail Center Project, and processed through Draft EIR - SCH No. 2006041009). The proposed Wal-Mart project and its pending EIR are separate actions that will be considered by the City Planning Commission and City Council independent of the General Plan 2030 proposal.

Mr. Scott Eckert noted in his letter an additional concern that his March 5, 2008 NOP comment letter was not included in Appendix B of the DEIR. Mr. Eckert had sent a follow-up letter dated June 15, 2008, which was included in Appendix B. Staff had understood that Mr. Eckert's June 15 letter was intended to supersede his

March 5th letter. The City apologizes for any misunderstanding and is including the March 5th letter as part of the Final EIR.

These resident comments do not address this DEIR; however the comments will be forwarded to the City for consideration. These comments do not provide new significant information relative to the General Plan 2030 that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact. Consequently, no further response to this comment is required, and there is no requirement to revise or recirculate the DEIR.



3.0 MINOR TEXT REVISIONS

Based on comments received on the DEIR and other minor corrections and/or additions identified by City staff, this section presents DEIR text revisions.

CEQA Guidelines section 15088.5 provides that recirculation of an EIR is not required where new information is added, but such information merely clarifies, amplifies or makes insignificant modifications to an adequate EIR.

The revisions are grouped into three categories and summarized below. For each revision presented, a brief discussion is included explaining the reasons why the changes made are not significant and recirculation of the DEIR is not required.

Revision #1: Minor revisions to DEIR text discussion regarding aviation were recommended by Sandy Hesnard, Aviation Environmental Specialist, Department of Transportation, Division of Aeronautics, in a letter dated September 2, 2008, which commented on the DEIR. This letter and responses to its comments are contained in Section 2.0 of this Final EIR. These revisions are outlined in Response to Comments #1.1 and 1.2.

The Department's suggested revisions to the EIR clarify information regarding the Division of Aeronautics' responsibility, SCLA Specific Plan height restrictions and FAA's role in reviewing the height of proximate structures. The revisions do not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact.

Revision #2: Minor revisions to DEIR text discussion regarding aviation were recommended by Tom Dodson on behalf of LAFCO, in a letter dated October 1, 2008, which commented on the DEIR. This letter and responses to its comments are contained in Section 2.0 of this Final EIR. These revisions are outlined in Response to Comments #9.1.

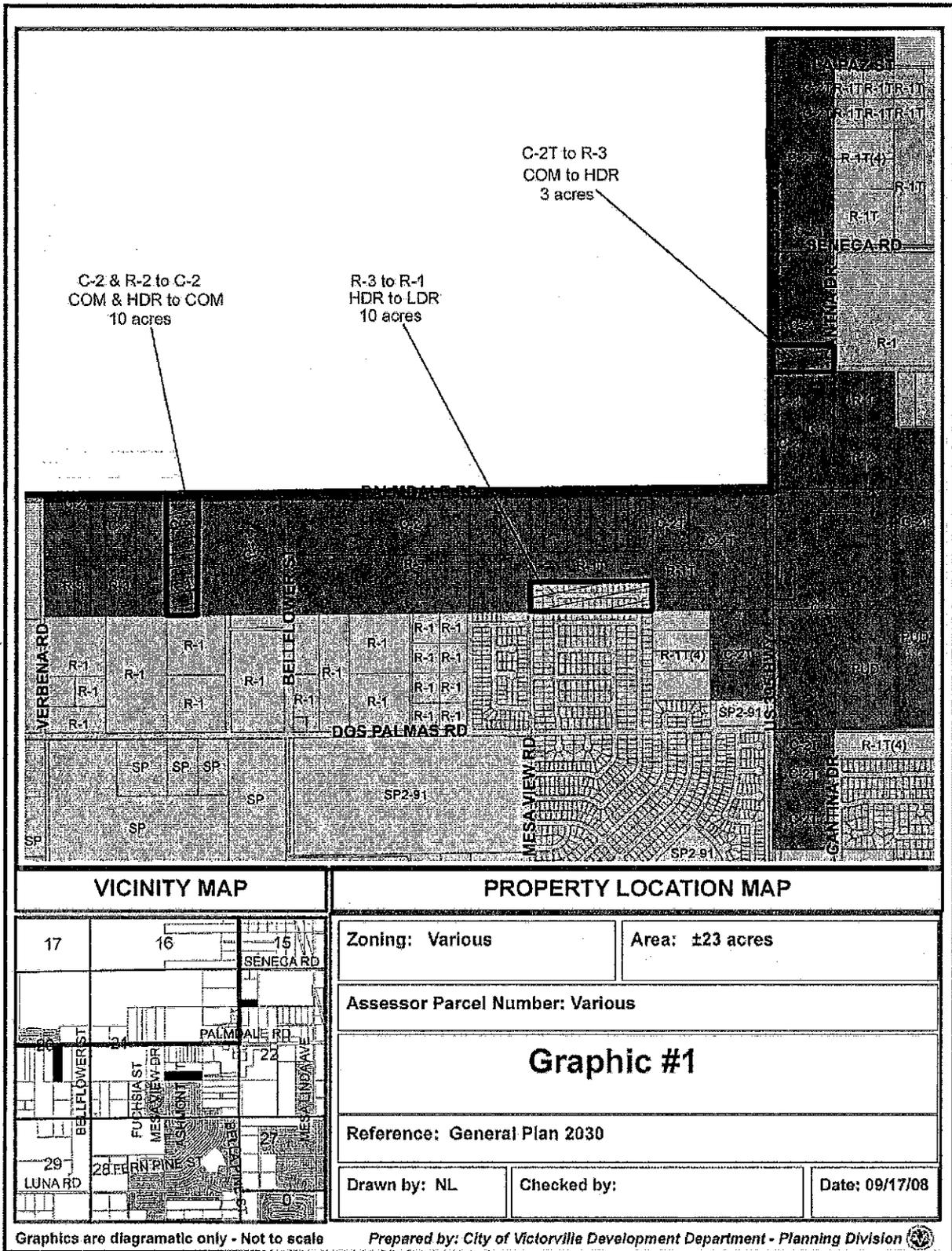
These revisions to the EIR clarify information for future use of the document by LAFCO. They do not provide new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact.

Revision #8: Following release of the DEIR for public review on August 15, 2008, City of Victorville Development Services Department staff identified seven properties within the Planning Area with active applications to change zoning and land use designations. To ensure consistency between these changes and the General Plan 2030 Land Use Map, the changes are included in the final draft Land Use Element and in the revised Land Use Map and land use tables of Section 3.0 of the Final EIR (Figure 3.5 Proposed General Plan Land Use Policy Map, and Tables 3.2 through 3.5, General Plan 2030 Land Use Acreage Designations by Acreage and Development Intensity). These changes are listed below and illustrated in the following exhibits.

1. Changed 10 acres (Assessor Parcel Numbers 3103-461-01 through 3103-461-02, located generally south of Palmdale Road and west of Bellflower Street in the Baldy Mesa Planning Area) from High Density Residential to Commercial (Reference Land Use Change Graphic #1)
2. Changed 10 acres (Assessor Parcel Numbers 3103-783-01 through -021; 3103-783-38 through -41; 3103-784-08 through -22, located generally south of Palmdale Road and east of Mesa View Road in the Baldy Mesa Planning Area) from High Density to Low Density Residential (Reference Land Use Change Graphic #1)
3. Changed 3 acres (Assessor Parcel Number 3103-551-04, located generally east of U.S. 395 Highway south of Seneca Road in the Baldy Mesa Planning Area) from Commercial to High Density Residential (Reference Land Use Change Graphic #1)
4. Changed 5 acres (Assessor Parcel Numbers 3090-531-03 through 3090-531-04, located generally south of Coad Road and west of Ridgecrest Road in the Central City Planning Area) from Light Industrial to Heavy Industrial (Reference Land Use Change Graphic #2)
5. Changed 19 acres (Assessor Parcel Numbers 3094-371-06 through -09; 3094-381-07 through -10; 3094-391-07 through -10; 3094-401-07 through -10, located generally north of Luna Road and east of Foxborough Way in the West Bear Valley Planning Area) from Low Density to Very Low Density Residential (Reference Land Use Change Graphic #3)
6. Changed 70 acres (Assessor Parcel Numbers 3091-261-05 through -07, -13, -19, -23, -28; 3091-271-01 through -05, -21, -29, -47, -51, -52; 3091-281-01, -03 through -07, -10 and -11, located generally north of Bear Valley Road and east of AT & SF and UP Railroad line in the West Bear Valley Planning Area) from Heavy Industrial to Commercial (Reference Land Use Change Graphic #4).

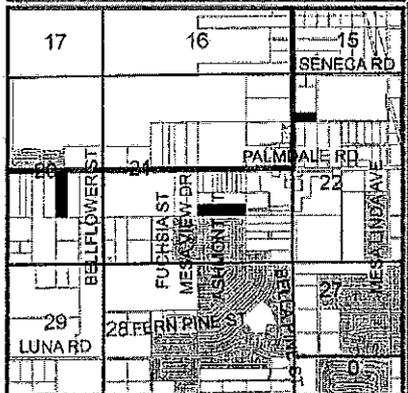
7. Changed 175.5 acres (Assessor's Parcel Numbers 0462-031-60 through 0472-031-65, located generally north of Interstate 15 in the North Mojave Planning Area) is proposed to be changed from SP-Specific Plan to SP with C2 zoning, SP with C1 zoning and SP with R-1 zoning. Reference Land Use Change Graphic #5).

The proposed changes are required to be adopted at this time to avoid inconsistency between existing zoning and the proposed General Plan land uses. These changes propose modifying one urban use to one similar and/or less intensive. The proposed changes would be compatible with surrounding existing and planned uses. The concomitant revisions to the EIR to incorporate these changes do not result in new significant information that identifies a new significant environmental impact or identifies a substantial increase in the severity of an environmental impact.



VICINITY MAP

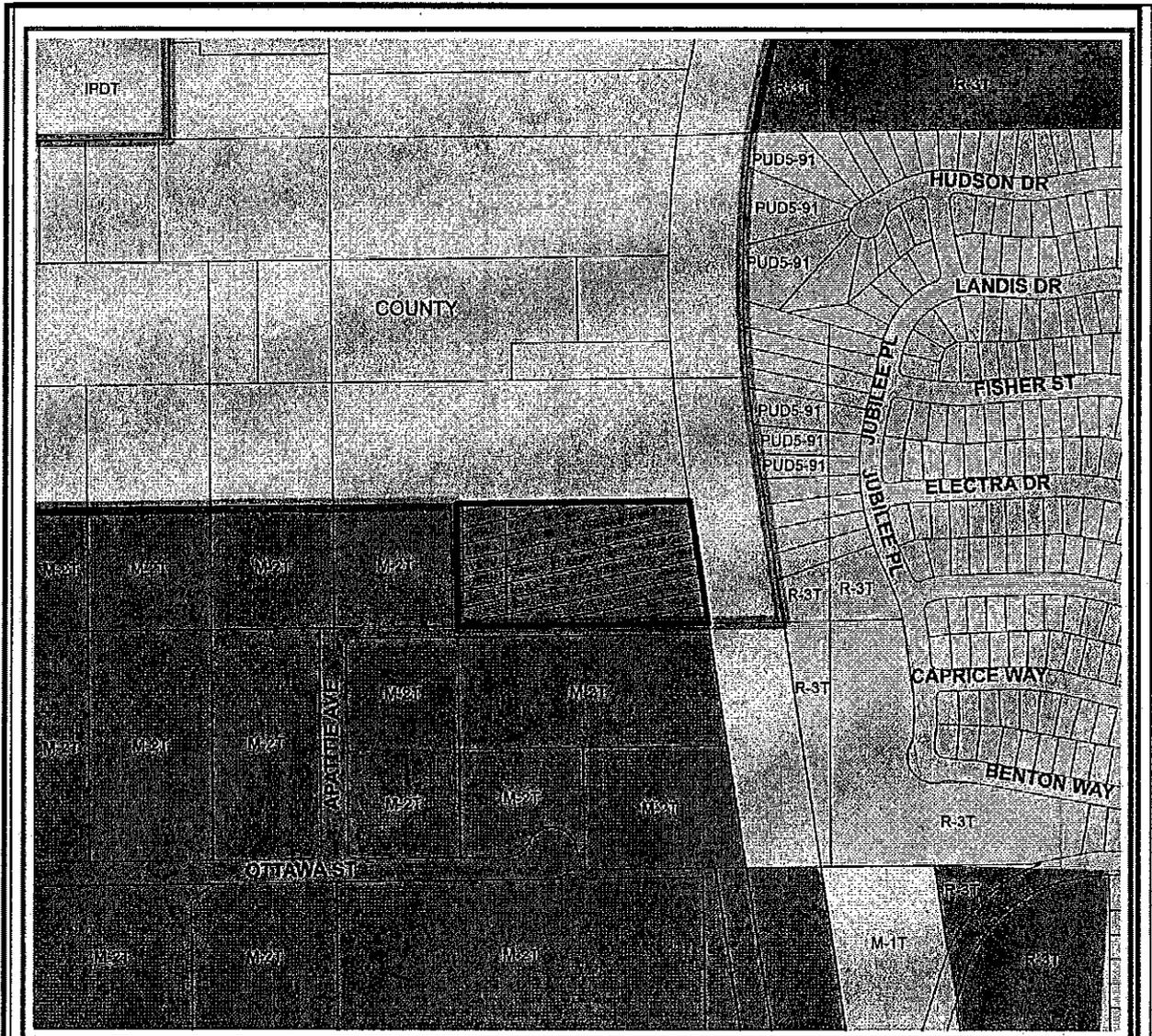
PROPERTY LOCATION MAP



| | | | |
|---------------------------------|--|-----------------|----------------|
| Zoning: Various | | Area: ±23 acres | |
| Assessor Parcel Number: Various | | | |
| Graphic #1 | | | |
| Reference: General Plan 2030 | | | |
| Drawn by: NL | | Checked by: | |
| | | | Date: 09/17/08 |

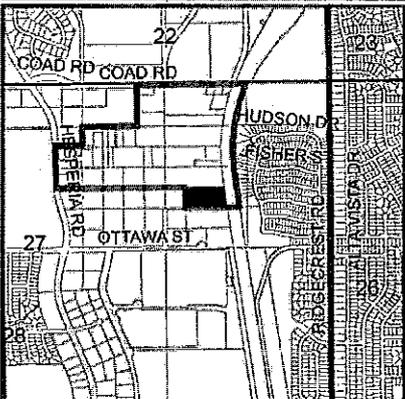
Graphics are diagrammatic only - Not to scale

Prepared by: City of Victorville Development Department - Planning Division



VICINITY MAP

PROPERTY LOCATION MAP



| | |
|-----------------------------------|----------------|
| Zoning: County to M-2 LI to HI | Area: ±5 acres |
|-----------------------------------|----------------|

Assessor Parcel Number: 3090-531-03 & 04

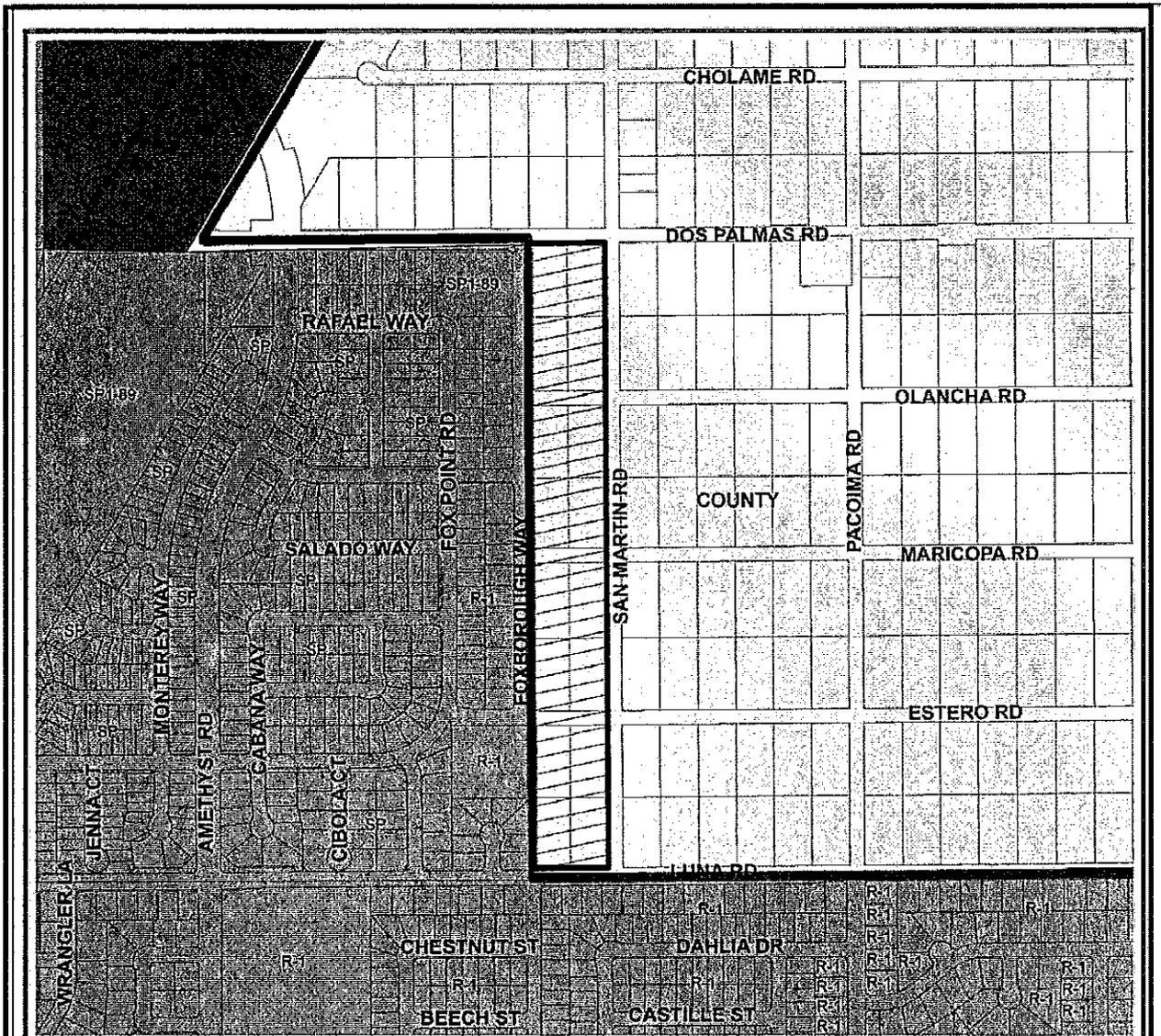
Graphic #2

Reference: General Plan 2030

| | | |
|--------------|-------------|----------------|
| Drawn by: NL | Checked by: | Date: 09/17/08 |
|--------------|-------------|----------------|

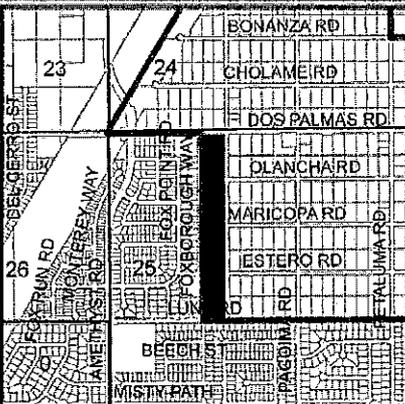
Graphics are diagrammatic only - Not to scale

Prepared by: City of Victorville Development Department - Planning Division



VICINITY MAP

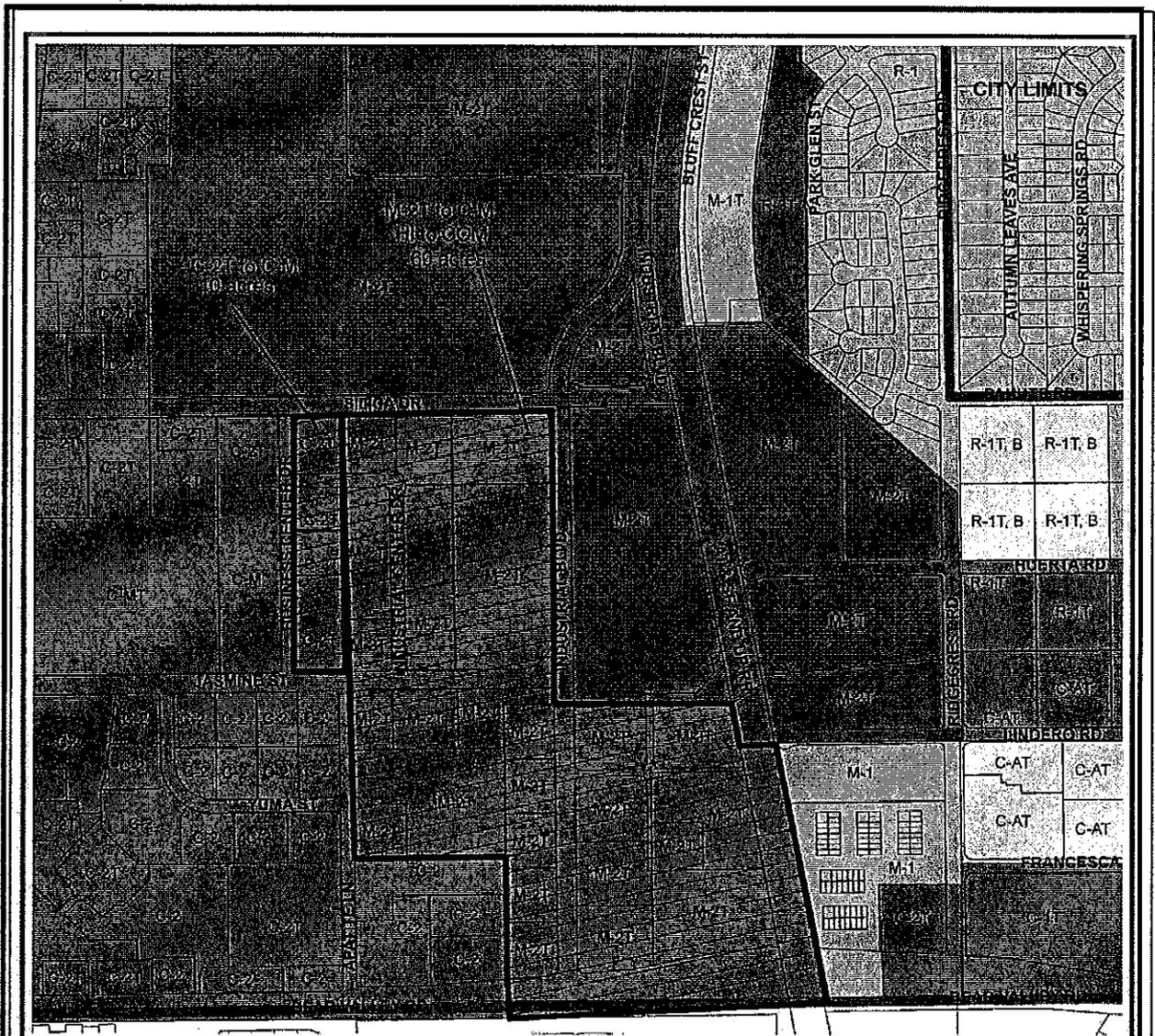
PROPERTY LOCATION MAP



| | |
|---------------------------------------|--------------------|
| Zoning: R-1 to R-1B1/2 LDR to VLDR | Area: ±18.79 acres |
| Assessor Parcel Number: Various | |
| Graphic #3 | |
| Reference: General Plan 2030 | |
| Drawn by: NL | Checked by: |
| Date: 09/17/08 | |

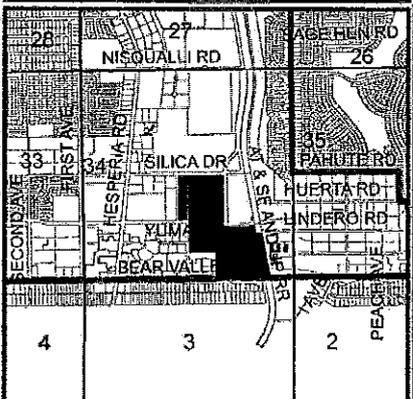
Graphics are diagrammatic only - Not to scale

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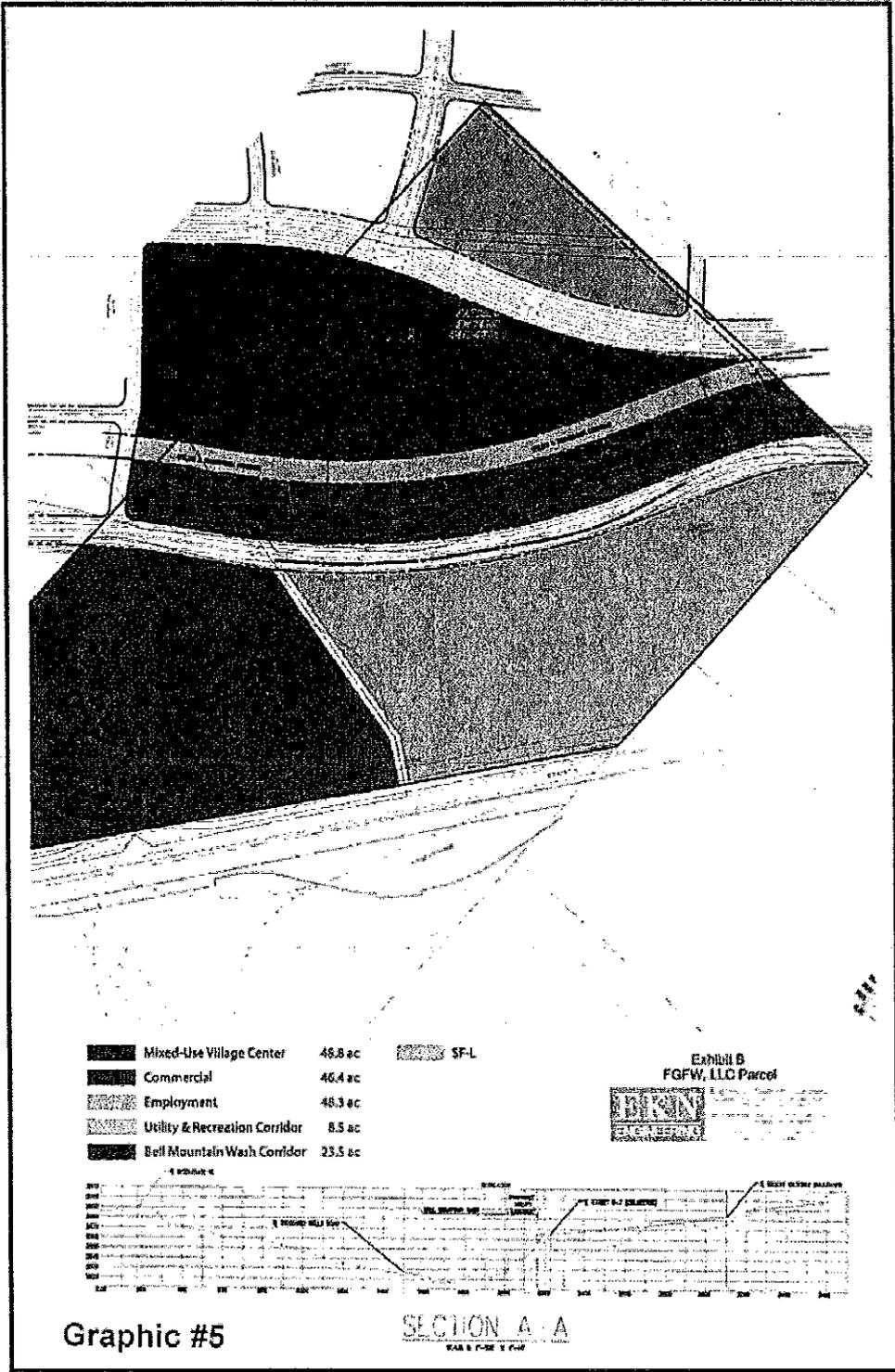
VICINITY MAP

PROPERTY LOCATION MAP



| | |
|---------------------------------|--------------------|
| Zoning: Various | Area: ±70.00 acres |
| Assessor Parcel Number: Various | |
| Graphic #4 | |
| Reference: General Plan 2030 | |
| Drawn by: NL | Checked by: |
| Date: 09/18/08 | |

Graphics are diagrammatic only - Not to scale Prepared by: City of Victorville Development Department - Planning Division



4.0 MITIGATION MONITORING PROGRAM

Section 15097 of the California Environmental Quality Act (CEQA) requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated negative declaration" or an EIR that proposes mitigation measures.

The following is the Mitigation Monitoring Plan (MMP) for the City of Victorville General Plan 2030 Program EIR. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the General Plan 2030 EIR.

This MMP is intended to be used by City of Victorville staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation.

Mitigation Monitoring Reporting

The following MMP Table is the primary tool for implementing the MMP. The table includes a topical listing of all mitigation measures identified in the EIR. For each measure, the table identifies the party responsible for its implementation, the timing of its implementation, and the method for determining its implementation. The table is intended to serve as a checklist to assist the City with the ongoing implementation of the General Plan as well as its annual review of General Plan accomplishments.

For each development proposal that proceeds pursuant to the General Plan 2030, the City is expected to review that development proposal against the table, and ensure its compliance with each applicable mitigation measure. Within the MMP Table, there is space in which City staff can identify the development proposal by name and project case number(s). The last column of the table is to be used by staff to verify that each applicable mitigation measure been implemented and the date of implementation.

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|--|--|--|--|
| <p>Development Proposal Project Name: _____</p> | | | | |
| <p>Case Number(s): _____</p> | | | | |
| <p>Aesthetics – AES-1: The City shall endeavor to preserve natural open spaces, including those in the Northern Expansion Area, in perpetuity. Potential measures used to preserve open space lands include dedication to the City or conservation agency, dedication or purchase of conservation easements, and transfer of development rights.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to plan for and work with developers to maintain open space pursuant to the General Plan 2030 and EIR.</p> | |
| <p>AES-2: The City shall work with developers to retain areas in new developments which are not suitable for habitable structures as open space, including recreational open space uses, trails, and scenic outlooks.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to plan for and work with developers to maintain open space pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|--|--|---|--|
| <p>AES-3: The City shall work with developers to retain open spaces adjacent to view corridors or scenic resources in exchange for increased density elsewhere on the project site. Features meeting the following criteria shall be considered for designation as scenic resources:</p> <ul style="list-style-type: none"> ▪ A roadway, vista point, or area that provides a vista of undisturbed natural areas; ▪ A unique or unusual feature that comprises an important or dominant portion of the viewshed (the area within the field of view of the observer); and ▪ Offers a distant vista that provides relief from less attractive views of nearby features (such as views of the San Bernardino and San Gabriel Mountains, and Mojave River Corridor urban areas). | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to plan for and work with developers to maintain open space pursuant to the General Plan 2030 and EIR.</p> | |
| <p>AES-4: The City shall locate trail routes to highlight the City's recreational and educational experiences, including natural, scenic, cultural and historic features.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to plan for and to work with developers to ensure that trails are implemented to maximize City aesthetic resources.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|--|--|--|
| <p>AES-5: The City shall require that hillside development be compatible with natural features and that site development occur in a manner which preserves the integrity and character of the hillside environment, including but not limited to, consideration of terrain, landform, access needs, fire and erosion hazards, watershed and flood factors, tree preservation, and scenic amenities and quality. Avoid/discourage development on ridgelines and areas where structures would be the dominant visual element. These criteria shall be incorporated into hillside development regulations for specific plans that encompass land in the Northern Expansion Area or any other hillside areas within the Planning Area.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to plan for and to work with developers to ensure that natural land form features are protected pursuant to the General Plan 2030 and EIR.</p> | |
| <p>AES-6: The City shall require new electrical and communication lines to be placed underground.</p> | <p>Development Services Department</p> | <p>During project review</p> | <p>City to plan for and to work with developers to ensure utility lines are placed underground.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|--|---|--|
| <p>AES-7: The City shall design area-wide flood control and drainage measures as part of an overall community improvement program that advances the goals of recreation, resource conservation, preservation of natural riparian vegetation and habitat and the preservation of the scenic values of the Planning Area's streams and creeks.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to plan for and to work with developers to ensure that areawide flood control improvements are designed to protect natural resources.</p> | |
| <p>AES-8: Lighting fixtures shall be architecturally compatible with the character of the surrounding structure(s) and shall be energy efficient. Fixtures shall be appropriate in height, intensity, and scale to the use they are serving. Generally, pole-mounted fixtures shall be low in height (20 feet or less) and be equipped with light shields to reduce or eliminate light spillage beyond the project's boundaries.</p> | <p>Development Services Department</p> | <p>During project review</p> | <p>City to require developers to design and install light fixtures pursuant to the General Plan 2030 and EIR.</p> | |
| <p>AES-9: Parking areas shall be provided with lighting capable of providing adequate illumination for nighttime security and safety. Lighting, as set forth in the lighting or electrical plan, shall provide a minimum one foot candle of illumination at the ground throughout the parking area and all associated walkways, plazas and courts. Building-mounted decorative lights shall not exceed five foot-candles measured five feet from the light source.</p> | <p>Development Services Department</p> | <p>During project review</p> | <p>City to require developers to design and install parking area lighting pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|--|------------------------------|--|--|
| <p>AES-10: Security lighting shall be provided in all nonresidential zoning districts at building entrances/exits. Security lighting shall provide a minimum of two foot-candles and a maximum of three foot-candles at the ground level of the entrance.</p> | <p>Development Services Department</p> | <p>During project review</p> | <p>City to require developers to design and install security lighting pursuant to the General Plan 2030 and EIR.</p> | |
| <p>AES-11: Where the light source is visible from outside the project boundary, shielding shall be required to reduce glare so that neither the light source nor its image from a reflective surface shall be directly visible from any point five feet or more beyond the property line. This requirement shall not apply to single-family residential uses, traffic safety lighting, or public street lighting.</p> | <p>Development Services Department</p> | <p>During project review</p> | <p>City to require developers to design and install exterior lighting pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|--|--|--|--|
| <p>Air Quality – AQ-1: Land Use and Transportation</p> <ul style="list-style-type: none"> a) Implement land use strategies to encourage jobs, housing proximity, promote transit-oriented development and encourage high density development along transit corridors. Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems. b) Encourage infill, redevelopment, and higher density development, whether in incorporated or unincorporated settings. c) Encourage new developments to integrate housing, civic and retail amenities (jobs, schools, parks, and shopping opportunities) to help reduce vehicle miles traveled resulting from discretionary automobile trips. d) Apply advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people goods and services. e) Incorporate features into project design that would accommodate the supply of frequent, reliable and convenient public transit. f) Implement street improvements that are designed to relieve pressure on the most congested roadways and intersections. g) Limit idling time for commercial vehicles, including delivery and construction vehicles. | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to implement land use and implementation strategies pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|-------------------------------|-----------------------|---------------------------|--|
| <p>h) Develop a Safe Routes to School program that allows and promotes bicycling and walking to school.</p> <p>i) Assess project air quality impacts on sensitive receptors at the project level, with special consideration of school playgrounds, parks and other outdoor recreational uses.</p> | | | | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|--|--|--|
| <p>AQ-2: Energy Conservation</p> <ul style="list-style-type: none"> a) Recognize and promote energy savings measures beyond Title 24 requirements for residential and commercial projects. b) Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources. c) Educate the public, schools and other jurisdictions, and businesses about reducing GHG emissions. d) Replace traffic lights, streetlights, and other electrical uses to energy efficient bulbs and appliances. e) Design, build, and operate schools that meet the Collaborative for High Performance Schools (CHPS) best practices. f) Offer rebates and low-interest loans to residents that make energy-saving improvements on their homes. g) Construct non-residential buildings to meet LEED (Leadership in Energy and Environmental Design) Silver Certification where possible. h) Maximize use of low-pressure sodium and/or fluorescent lighting. i) Require acquisition of new appliances and equipment to meet Energy Star certification. | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to implement energy conservation measures pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|------------------------------|---|--|
| <p>AQ-3: Urban Forestry</p> <ul style="list-style-type: none"> a) Plant trees or vegetation to shade buildings and thus reduce heating/ cooling demand. b) Preserve or replace onsite trees (that are removed due to development) as a means of providing carbon storage. c) Select landscaping that is fast-growing while minimizing water demand to sequester carbon while reducing electrical loads associated with regional water transportation. | <p>Development Services Department</p> | <p>During project review</p> | <p>City to require developers to implement urban forestry measures pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|--|---|--|
| <p>AQ-4: Dust Control - Construction Emissions Mitigation</p> <ul style="list-style-type: none"> a) Require property owners to apply soil stabilizers to inactive areas. b) During construction, require property owners to prepare a high wind dust control plan and implement plan-elements and terminate soil disturbance when winds exceed 25 mph. c) During construction, require property owners to stabilize previously disturbed areas if subsequent construction is delayed. d) During construction, require property owners to water exposed surfaces and haul roads 3 times/day. e) During construction, require property owners to cover all earth stockpiles with tarps. f) During construction, require property owners replace ground cover in disturbed areas quickly. g) Require all vehicles to reduce speeds on unpaved roads to less than 15 mph. | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to implement dust control measures pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|--|---|--|
| <p style="text-align: center;">AQ-5: Exhaust Emissions</p> <ul style="list-style-type: none"> a) Require 90-day low-NOx tune-ups for off-road equipment operating in the Planning Area. b) Limit allowable idling to 5 minutes for trucks and heavy equipment. c) Require construction operators to use Tier 3-rated engines during site grading for all equipment exceeding 100 horsepower if available. d) Require construction operators to utilize equipment whose engines are equipped with diesel oxidation catalysts if available. e) Require construction operators to utilize diesel particulate filter and diesel oxidation catalyst on heavy equipment where feasible. | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to implement exhaust emission control measures pursuant to the General Plan 2030 and EIR.</p> | |
| <p>AQ-6: ROG Emissions</p> <ul style="list-style-type: none"> a) Require the use of high-volume, low-pressure paint sprayers, apply paint thickness of 0.75 millimeters or less and, use water-based and low-VOC coatings with ROG emissions of less than 8.0 pounds per 1,000 square feet of painted surface. | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to implement ROG emission control measures pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|--|---|--|
| <p>AQ-7: Operational Emissions Mitigation - Wherever feasible, developers should be encouraged to incorporate the following TCMs on a project-specific basis includes:</p> <ul style="list-style-type: none"> a) Provide future transit access points within the development. b) Include bicycle lanes in the project design. c) Provide an attractive pedestrian environment. d) Encourage mixed-use developments where employment, shopping and living can occur within short distances. | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to implement TCM measures pursuant to the General Plan 2030 and EIR.</p> | |
| <p>Biology –</p> <p>BIO-1: The Mohave Ground Squirrel is a state-listed species known to occur in natural open spaces within the City of Victorville. The City shall continue working with the CDF&G to ensure that individual projects comply with state laws protecting this species. In areas so designated by the agencies, appropriate surveys shall be conducted and appropriate mitigation applied.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to comply with CDF&G regulations regarding Mohave Ground Squirrel protection.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|--|--|--|--|
| <p>BIO-2: The Desert Tortoise is a federally and state-listed species with potential to occur in natural open spaces within the City of Victorville. The City shall continue working with the USFWS and CDF&G to ensure that individual projects comply with federal and state laws protecting this species. In areas so designated by the agencies, appropriate surveys shall be conducted and appropriate mitigation applied. The exception is the urbanized area identified by the USFWS as a designated Desert Tortoise no-survey area, a map of which is maintained at the Planning Division.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to comply with USFWS and CDF&G regulations regarding Desert Tortoise protection.</p> | |
| <p>BIO-3: The Burrowing Owl is a California Species of Special Concern that is known to occur in agricultural fields and natural open spaces within the City of Victorville. This species has declined markedly, and continues to decline, across large parts of its range. Focused surveys for the Burrowing Owl shall be required for all projects that propose the development of agricultural fields or natural open spaces that are contiguous with larger open space areas capable of supporting Burrowing Owls. Burrowing Owl surveys, and any mitigation measures to be undertaken in the case of positive survey results, shall comply with current CDF&G recommendations.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers to comply with CDF&G regulations regarding Burrowing Owl protection.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
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| <p>BIO-4: The City shall coordinate with state and federal agencies for the creation of buffers and mitigation banks for sensitive species. The City shall work with adjacent local governments and the County to conserve critical habitat and minimize recreational use in sensitive areas supporting protected or sensitive species. As feasible, the City shall work with the USFWS to establish mitigation banks or other conservation easements for the SOI areas supporting sensitive species. For areas of unique habitat qualities, replacement compensation and restoration mitigation may not be adequate for some habitat loss to reduce the impact to less than significant.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers on previously undeveloped sites of over 1 acre in size to prepare biological resource studies and develop strategies to conserve, and/or mitigate significant biological resources pursuant to USFWS and CDF&G regulations.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|--|--|---|--|
| <p>BIO-5: Prior to permitting conversion of undeveloped land in the Northern Expansion Area, the City shall ensure that appropriate biological surveys and assessments are conducted, and if warranted, adequate mitigation is provided to reduce biological resource impacts to less than significant to the greatest extent possible.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to require developers on previously undeveloped sites of any size in the Northern Expansion Area to prepare biological resource studies and develop strategies to conserve, and/or mitigate significant biological resources pursuant to USFWS and CDF&G regulations.</p> | |
| <p>BIO-6: To reduce predator attraction, the City shall work to improve trash collection, recycling programs, and illegal dumping in open areas. The City shall sponsor mitigation efforts that minimize landfill growth, reduce trash haul routes that spread litter and increase predator species numbers (i.e., raven or crow in the Northern Expansion Area), and reduce illegal dumping of bulk items (e.g., furniture, appliances, tires, batteries). Residential impact from such waste products will be mitigated to less than significant prior to permitting land use conversion.</p> | <p>Development Services Department</p> | <p>During preliminary project review</p> | <p>City to develop and implement procedures to keep natural areas pristine and clear of trash pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|--|---|--|
| <p>BIO-7: The City shall work with state and federal agencies to create a specific and detailed wildlife corridor map for the Northern Expansion Area. The map will identify movement corridors and refuge areas for mammal, migratory bird species, and other desert species dependent on transitory resources based on rainfall. The wildlife corridor and refuge area map will be used for preparation of biological assessments prior to permitting for land use conversion.</p> | <p>Development Services Department</p> | <p>Prior to permitting conversion of undeveloped land in the Northern Expansion Area</p> | <p>City to develop a wildlife corridor map to protect sensitive species and their habitats pursuant to the General Plan 2030 and EIR.</p> | |
| <p>Cultural Resources – CUL-1: The applicant shall provide for an on-site paleontological/archaeological inspector to monitor all grading operations, or a letter from said licensed professional indicating that monitoring is not necessary during grading. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2. The results of said monitoring shall be filed with the Development Director or his designee prior to the final approval of the development.</p> | <p>Development Services Department</p> | <p>Prior to any clearing, grubbing or grading</p> | <p>City to require developers on previously undeveloped sites of over 1 acre in size to retain a qualified paleontological/archaeological monitor and/or ensure protection of potential paleontological/archaeological resources pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|---|---|--|
| <p>CUL-2: If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to the State Health and Safety Code.</p> | <p>Development Services Department</p> | <p>During any clearing, grubbing or grading</p> | <p>City to require developers on monitor and/or report human remains if encountered pursuant to the General Plan 2030 and EIR.</p> | |
| <p>CUL-3: In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.</p> | <p>Development Services Department</p> | <p>During any clearing, grubbing or grading</p> | <p>City to require developers on monitor and/or report Native American cultural remains if encountered pursuant to the General Plan 2030 and EIR.</p> | |
| <p>CUL-4: If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archaeologist shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.)</p> | <p>Development Services Department</p> | <p>During any clearing, grubbing or grading</p> | <p>City to require developers on contact the Morongo Band of Mission Indians pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|---|--|--|
| <p>Hazards and Hazardous Materials –</p> <p>HAZ-1: Prior to the issuance of any grading permits, the applicant shall submit and, when acceptable, the City shall approve a Phase I environmental site assessment conducted in accordance with American Society of Testing and Materials' "ASTM Standards on Environmental Site Assessments for Commercial Real Estate" or such other standard as may be acceptable to the City Engineer. The applicant shall also provide an updated groundwater sampling program in compliance with City requirements. If further investigative or remedial actions are identified therein, all such actions and/or such alternative actions as may be approved by the City Engineer shall be implemented to the satisfaction of the City Engineer prior to the issuance of any grading permits.</p> | <p>Development Services Department</p> | <p>Prior to any clearing, grubbing or grading</p> | <p>City to require developers of all new development to provide for City review and acceptance a Phase I site assessment, and provide required mitigation.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|---|---|---|--|
| <p>HAZ-2: Because reducing the amount of waste generated in the City is an effective mechanism for reducing the potential impact of these wastes on the public health and safety and the environment, and because source reduction and "green" legislation encourages the reduction, to the extent feasible, of hazardous waste, the City shall encourage and promote practices that will, in order of priority: (1) reduce the use of hazardous materials and the generation of hazardous wastes at their source; (2) recycle the remaining hazardous wastes for reuse; and (3) treat those wastes that cannot be reduced at the source or recycled. Only residuals from waste recycling and treatment will be land disposed.</p> | <p>Development Services Department; Public Works Department</p> | <p>Ongoing</p> | <p>City will promote practices that reduce the use of hazardous materials and the generation of hazardous wastes at their source; recycle the remaining hazardous wastes for reuse; and treat those wastes that cannot be reduced at the source or recycled..</p> | |
| <p>HAZ-3: The City shall ensure closure and/or removal of the non-regulated private airstrip prior to issuance of any grading or building permits in areas adjacent to or within the general flight path area of the private airstrip.</p> | <p>Development Services Department;</p> | <p>Prior to issuance of any grading or building permits in areas adjacent to or within the general flight path area of the private airstrip. Ongoing</p> | <p>City will ensure closure and/or removal of the non-regulated private airstrip.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
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| <p>Hydrology and Water Quality – HWQ-1: All local or private project drainage facilities to be constructed shall be evaluated on an individual basis by the City Engineering Department. The Department shall also determine the amount of responsibility for costs of improvements by the developers for local or private project facilities on private property.</p> | Engineering Department | During preliminary project review | City to require developers plan and construct drainage facilities pursuant to City Engineering Department requirements. | |
| <p>HWQ-2: All regional or public drainage facilities to be constructed shall be evaluated on an individual basis by the City Engineering Department. The Department shall also determine the amount of responsibility for costs of improvements to be borne by project proponents, whether public and/or private entities.</p> | Engineering Department | During preliminary project review | City to require developers plan and construct drainage facilities pursuant to City Engineering Department requirements. | |
| <p>HWQ-3: The City Engineering Department shall update the 1992 Master Plan of Drainage to incorporate the grow projections and land use patterns per General Plan 2030.</p> | Development Services Department; Engineering Department | Within one year of General Plan 2030 adoption | City to update Master Drainage Plan pursuant to General Plan 2030 projections. | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|---------------------------------|-----------------------------------|--|--|
| <p>Land Use – Reference Mitigation Measures BIO-1 through BIO-7, above.</p> | | | | |
| <p>Mineral Resources – MR-1: Prior to any development occurring along the Mojave River corridor in the Northern Expansion Area, the applicant shall submit for City Development Services Director review and approval a geologic study identifying potential mineral resources. Every attempt shall be made to preserve these resources in place.</p> | Development Services Department | During preliminary project review | City to require developers on previously undeveloped sites of any size along the Mojave River corridor in the Northern Expansion Area to submit for review and approval a geologic study identifying potential mineral resources.. | |
| <p>Noise – Reference Mitigation Measure HAZ-3, above.</p> | | | | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
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| <p>Public Services –</p> <p>PS-1: The City shall ensure that the San Bernardino County Fire Department updates its North Desert Division plans to ensure facilities and staffing continue to be able to accommodate the growth projected for buildout of the General Plan 2030. The first update shall occur within one year of approval of the General Plan 2030 and encompass a minimum period of 5 years. This information shall be incorporated into the City contracts with the County Fire Department and into the City capital improvement program process.</p> | <p>Development Services Director; Fire Department</p> | <p>Within one year of approval of the General Plan 2030</p> | <p>City to work with San Bernardino County Fire Department to ensure its North Desert Division is updated consistent with General Plan 2030.</p> | |
| <p>PS-2: The City shall ensure that the City of Victorville Police Department updates its facility, equipment and personnel plans to accommodate the growth projected for buildout of the General Plan 2030. The first update shall occur within one year of approval of the General Plan 2030 and encompass a minimum period of 5 years. The plans shall be incorporated into City contracts with the County of San Bernardino Sheriff and into the City capital improvement program process.</p> | <p>Development Services Director; Police Department</p> | <p>Within one year of approval of the General Plan 2030</p> | <p>City Police Department to update its facility, equipment and personnel plans to accommodate the growth projected for buildout of the General Plan 2030.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
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| <p>PS-3: The City shall work with the Victor Elementary School District, Adelanto School District, Hesperia School District and the Victor Valley Union High School District to update their school facilities master plans to accommodate the growth projected for buildout of the General Plan 2030. Based on these master plan directives, the City shall work with the school districts to locate and plan for adequate school sites.</p> | <p>Development Services Director</p> | <p>Within one year of approval of the General Plan 2030</p> | <p>City to work with applicable school districts to update their respective school master plans to accommodate the growth projected for buildout of the General Plan 2030.</p> | |
| <p>PS-4: The City shall update its master plan for Parks at least once every five years, beginning in 2010. The master plan shall be based on the most current City population and Total dwelling unit projections and consider the spatial need for recreational facilities throughout the City. The master plan shall be incorporated into the City capital improvement program process.</p> | <p>Development Services Director; Community Services Department</p> | <p>Every five years, beginning in 2010</p> | <p>City to update its master Plan of parks to accommodate the growth projected for buildout of the General Plan 2030.</p> | |
| <p>PS-5: The City shall update its planning for libraries and community centers at least once every five years, beginning in 2010. The plans shall be based on the most current City population and total dwelling unit projections and consider the spatial need for libraries and community centers throughout the City. The plans shall be incorporated into the City capital improvement program process.</p> | <p>Development Services Director; Community Services Department</p> | <p>Every five years, beginning in 2010</p> | <p>City to update its master Plan of libraries to accommodate the growth projected for buildout of the General Plan 2030.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|---|---|---|--|
| <p>Recreation – Reference Mitigation Measure PS-3, above.</p> | | | | |
| <p>Transportation/Traffic – TR-1: Planning Mechanisms - The City shall develop a program designating Deficient Roadway Segments that cannot feasibly meet the LOS C level of service standard for roadway segments.</p> | <p>Development Services Department; Engineering Department</p> | <p>Within one year of General Plan 2030 adoption</p> | <p>City to develop Deficient Roadway Segment program.</p> | |
| <p>TR-2: Planning Mechanisms - The City of Victorville shall study the circulation system on an ongoing basis to determine what feasible improvements can be made to achieve an acceptable level of service for segments and intersections. If an acceptable level of service cannot be achieved, feasible improvements will be identified that will improve, or mitigate the degradation of the level of service. The feasible improvements will be incorporated into the City's Capital Improvement Program.</p> | <p>Development Services Department; Engineering Department</p> | <p>Ongoing</p> | <p>City to develop and implement program to undertake feasible programs to achieve acceptable levels of service pursuant to the General Plan 2030 and EIR.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|---|--|--|--|
| <p>TR-3: Planning Mechanisms - The City shall incorporate the adopted Circulation Element and applicable General Plan Update goals into the SCLA Specific Plan as needed.</p> | <p>Development Services Department; Engineering Department</p> | <p>Within one year of General Plan 2030 adoption.</p> | <p>City to update SCLA Specific Plan to incorporate Circulation Element and applicable General Plan Update 2030 and EIR provisions.</p> | |
| <p>TR-4: Planning Mechanisms - The City shall cooperate with San Bernardino Association of Governments (SCAG), the San Bernardino Association Governments (SANBAG), and the California Department of Transportation (Caltrans) to incorporate the adopted Circulation Element and applicable General Plan Update goals into the Interstate 15 Comprehensive Corridor Study when Alternative D or the Alternative C/E Hybrid is selected.</p> | <p>Development Services Department; Engineering Department</p> | <p>Ongoing</p> | <p>City to coordinate with SCAG, SANBAG and Caltrans to incorporate General Plan 2030 and EIR provisions into Interstate 15 Corridor Study.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|---|------------------------------|--|--|
| <p>TR-5: Planning Mechanisms - The City shall cooperate with California Department of Transportation (Caltrans) and the Federal Highway Administration to incorporate the adopted Circulation Element and applicable General Plan Update goals into the implementation plans for the proposed new interchange at Interstate 15 at La Mesa Road and Nisqualli Road.</p> | <p>Development Services Department; Engineering Department</p> | <p>Ongoing</p> | <p>City to coordinate with Caltrans to incorporate General Plan 2030 and EIR provisions into new interchange at Interstate 15 at La Mesa Road and Nisqualli Road.</p> | |
| <p>TR-6: Planning Mechanisms - The City shall cooperate with Caltrans, the San Bernardino Association Governments (SANBAG), and other agencies on the proposed realignment of US-395.</p> | <p>Development Services Department; Engineering Department</p> | <p>Ongoing</p> | <p>City to coordinate with Caltrans and SANBAG to incorporate General Plan 2030 and EIR provisions into US-395 realignment..</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|---|-----------------------|---|--|
| <p>TR-7: The City shall cooperate with the Town of Apple Valley to incorporate the adopted Circulation Element and applicable General Plan Update goals into the implementation plans for the proposed High Desert Corridor project, and the Yucca Loma / Green Tree Blvd extension.</p> | <p>Development Services Department; Engineering Department</p> | <p>Ongoing</p> | <p>City to coordinate with Town of Apple Valley to incorporate General Plan 2030 and EIR provisions into the proposed High Desert Corridor project, and the Yucca Loma / Green Tree Blvd extension.</p> | |
| <p>TR-8: Planning Mechanisms - The City shall cooperate with the City of Hesperia to incorporate the adopted Circulation Element and applicable General Plan Update goals into the implementation plans for proposed interchange improvements on Interstate 15, including Eucalyptus Street, should that project be approved and funded.</p> | <p>Development Services Department; Engineering Department</p> | <p>Ongoing</p> | <p>City to coordinate with City of Hesperia to incorporate General Plan 2030 and EIR provisions into the proposed interchange improvements on Interstate 15, including Eucalyptus Street.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|---|-----------------------|---|--|
| <p>TR-9: Planning Mechanisms - The City shall cooperate with SANBAG to provide mitigation measures for existing and projected LOS deficiencies on the CMP network that are beyond the scope of the City of Victorville Circulation Element.</p> | <p>Development Services Department; Engineering Department</p> | <p>Ongoing</p> | <p>City to coordinate with SANBAG to provide mitigation measures for existing and projected LOS deficiencies on the CMP network that are beyond the scope of the City of Victorville Circulation Element.</p> | |
| <p>TR-10: Planning Mechanisms - The City shall update its Capital Improvement Program every year to implement required roadway/intersection improvements.</p> | <p>Development Services Department; Engineering Department</p> | <p>Annually</p> | <p>City to update its Capital Improvement Program to implement Circulation Element and other General Plan 2030 transportation improvements.</p> | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|---|--|--------------------------------------|---|--|
| TR-11: Planning Mechanisms - The City shall coordinate and work with Victor Valley Transit Authority to expand service on the roadways expected to have substantial travel demands increases to connect existing and new trip generators. | Development Services Department; Engineering Department | Ongoing | City to coordinate with Victor Valley Transit Authority to expand service to accommodate General Plan 2030 growth. | |
| TR-12: Funding Mechanisms - Applicants for development permits shall pay all applicable City of Victorville traffic impact fees. Evidence of payment shall be provided to the Planning Department prior to issuance of a building permit. | Development Services Department; Engineering Department | Prior to issuance of building permit | City to require developers to pay all applicable traffic impact fees. | |
| TR-13: Funding Mechanisms - Applicants for development permits with significant traffic impacts on the CMP system and on State and Federal Highways in the City of Victorville (i.e. pursuant to a certified CEQA/NEPA document) shall pay their fair share of mitigation improvements (if required) or construct improvements. Evidence of such payment (if required) shall be provided to the Planning Department prior to issuance of a building permit. | Development Services Department; Engineering Department | Prior to issuance of building permit | City to require developers of projects with significant traffic impacts on the CMP system and on State and Federal Highways to pay fair share of mitigation improvements (if required) or construct improvements. | |

CITY OF VICTORVILLE GENERAL PLAN 2030 PROGRAM EIR (SCH #2008021086)

MITIGATION MONITORING PROGRAM

| Mitigation Measure | Implementation Responsibility | Implementation Timing | Method for Implementation | Implementation Verified _____ Date: _____ |
|--|--|------------------------------|---|--|
| <p>Utilities – Reference HWQ-1 through HWQ-3, above.</p> | | | | |
| <p>Energy – EC-1: The City shall inform applicants of the new Green Building Code standards and assist applicants to incorporate them into the planning review and approval process.</p> | <p>Development Services Department; Engineering Department</p> | <p>During project review</p> | <p>City to work with developers to comply with Green Building Code standards.</p> | |
| <p>EC-2: The City shall ensure that all new public facilities shall comply with relevant requirements of Chapter 5: Energy Efficiency of the Green Building Code. When existing equipment is replaced, it shall comply with any relevant requirements of Chapter 5 of the Green Building Code.</p> | <p>Development Services Department; Engineering Department</p> | <p>During project review</p> | <p>City to design and construct public facilities to comply with Green Building Code standards.</p> | |