

Inland Empire Bike Alliance Comment Letter

Comment #	Section/Subtopic	Page(s)	Response	MND Reference
1	Untitled (Introduction)	1	This comment includes introductory remarks and states that the Project as proposed does not meet and is in conflict with the city policies. It does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft IS/MND. No further response to this comment is required.	N/A
2	<p>"Planned Class II bike lanes are woefully adequate"</p> <p>Class II (5') vs. Class IV (7')</p>	1-3	<p>The commenter recommends installing a Class IV separated bikeway in lieu of the proposed painted Class II bike lane given the average motor traffic speeds and traffic volume on Etiwanda Avenue and Foothill Boulevard. The commenter cites the Caltrans and Federal Highway Administration's design guidelines and states that a Class IV bikeway satisfies the City's General Plan objective of increasing bicycle use, whereas a Class II lane does not. This comment refers to Section 4.17 (Transportation), pages 4-62 through 4-64 of the Initial Study/Mitigated Negative Declaration (IS/MND). This comment references the quality of bike lane design for the Project. However, as the Project complies with applicable requirements of the Caltrans Highway Design Manual and the City's interpretation of its Community Mobility policies (as set forth below), this comment does not address the adequacy of the IS/MND and no further project modifications or responses are required.</p> <p>The minimum width of a Class II bike lane, as bolded in section 301.2 of the Caltrans Highway Design Manual, is four feet. There is additional guidance that is not mandatory (as indicated by the underlying nature of the guidance and use of the word "should", both indicating a desired standard, not a required standard) which provides the additional guidance noted by the Bike Alliance: that, on higher speed facilities, the bikeway should be wider. The commenter is correct that although a five-foot bikeway meets the bolded requirement of the design manual, additional width should be considered for facilities with higher travel speeds. On Foothill Boulevard, the #1 travel lane is shown at 13 feet. This lane could be narrowed so that the bikeway width can be widened to six feet as noted in the guidance. For Etiwanda Avenue, the bikeway along the project frontage is approaching a traffic control signal, where vehicles will be slowing due to the intersection and depending on prevailing speeds in this area, a five foot bikeway should be sufficient. Please note that the site plan and roadway improvement plans require additional refinement and review through the City of Rancho Cucamonga before they are approved for construction. As such, refinements and/or adjustment to the bikeway lane widths, if any, will be conducted at the plan check phase of the Project in accordance with the City's design requirements and in coordination with City planning.</p> <p>The comment also refers to General Plan Policies regarding Community Mobility, CM-1.2, 2.1 and 4.1; as well as Economic Development, ED-3.4, which are noted below:</p> <ul style="list-style-type: none"> - Policy CM-1.2 - Provide an integrated network of roadways that provides for convenient automobile, transit, bicycle, and pedestrian circulation movement around the City. - Policy CM-2.1 - Facilitate bicycling and walking citywide. - Policy CM-4.1 - Continue to implement traffic management and traffic signal operation measures along the arterial roadway to minimize delay and congestion for all modes, without adversely impacting transit, bicycles, and pedestrians. - Policy ED-3.4 - Improve internal circulation for all modes of transportation, consistent with the concept of "Complete Streets." <p>These policies have since been replaced by those set forth in Plan RC, the City's General Plan Update adopted by the City Council on December 15, 2021, which is now the governing document for the proposed Project.</p> <p>Furthermore, these policies and those set forth in the General Plan Update all support the implementation of complete streets, as noted by the commenter. However, none of the prior or updated General Plan policies require implementation of specific bicycle facilities on specific roadways, and none identify the need for a Class IV facility on Foothill or Etiwanda. Additionally, Class IV separated bikeways are most effective in areas with limited driveway cuts as separated bikeway design implementation becomes complicated at conflict points like driveways. Foothill and Etiwanda both have frequent conflict points where implementation of a Class IV facility may be problematic. Finally, implementation of Class IV facilities would require dedicated signal phasing for the protected bikeway – something that becomes problematic if these corridors are prioritized for autos and transit.</p> <p>One final consideration involves other facilities that the City has identified as part of its General Plan Update as priority bike corridors that parallel both of these corridors. The first is the PE trail alignment, that generally parallels Foothill Boulevard to the north and is a Class I off-street facility. Additionally, parallel to Etiwanda Avenue are two north/south facilities: Day Creek Boulevard and the Etiwanda Creek Channel, both of which would provide enhanced pedestrian and bicycle accessibility within the city. Finally, the City is undertaking a comprehensive review of active transportation throughout the city. Additional refinement to facility types will be developed through that effort to continue delivering better infrastructure for both bikes and pedestrians in the City.</p> <p>The comment is noted that it is important to develop infrastructure correctly. Please note, the project site consists of a tiny percentage of each corridor – for successful implementation of comprehensive facilities, those facilities need to be implemented at a corridor connectivity scale. 6th Street is a great example of this – where the City is attempting to implement infrastructure at a corridor level. The comment is not completely correct as it relates to 6th Street. Although the City did apply through the State's ATP twice for funding of that project, it ultimately has been funded through SBCTA's ATP funding allocation portion. The project is currently under design review by the City and SBCTA for implementation along the 6th Street corridor.</p> <p>It is noted that Class IV facilities are on-street bikeways and are not wide sidewalks which are typically off-street. Since this is not a design level review sufficient for construction purposes, the ultimate design decisions will be addressed using City and Caltrans standards during the design review process. All designs will be reviewed and approved by the City prior to implementation.</p>	Section 4.7, pages 4-62 through 4-64

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3	Beveled/splayed edges	3	See Response 2. In addition to suggesting that the proposed Project include Class IV bikeways, the commenter also recommends that the curbs adjacent to the bikeways have beveled/splayed edges, be paved at an intermediate height between the level of the sidewalk and the roadbed, and that the bikeway and bus pullout not directly intersect. The comment is noted regarding preferred bikeway design considerations. As previously noted, the final design will be reviewed and approved by the City prior to implementation and the final design will consider these types of treatments based on City and Caltrans design requirements. Finally, it is noted that as this comment references the quality of final bikeway design but does not address the adequacy of the IS/MND no further response is required by CEQA.	N/A
4	Provide appropriate bike facility per the General Plan		See Response 2. The commenter states that the project should provide the appropriate bike facility per the policies and goals of the City's General Plan and fails to meet the goals which promote a shift in travel mode. This comment is noted and also addressed in previous responses related to the complexity of integrating protected bikeways with signalized intersections and driveways. Additionally, consideration should be given to the City's priority roadway network, where parallel routes to these facilities have been identified as preferred bikeway facilities. In the north/south direction, Etiwanda Creek and Day Creek Boulevard both have been identified as preferred bikeway facilities. For east-west connectivity, the PE Trail has been identified as the preferred bikeway facility. These considerations do not mean that bikes should not be provided along Etiwanda and Foothill, but that other modes of travel need to be considered to provide mobility for all through the City's Layered Networks approach to delivering complete streets.	Section 4.17, pages 4-69 through 4-71
5	"Lack of connectivity" Provide bike/ped connection to Vine St. cul-de-sac	3-4	<p>The commenter recommends providing a bicycle and pedestrian (non-motorized) connection between the Project site and the cul-de-sac of Vine Street directly east of the Project site, which would allow those wishing to visit the new commercial spaces proposed by the Project via alternative modes of transportation. The commenter states that this improvement would put the project in compliance with the goals and policies of the City's General Plan, citing Policies CM-1.2, CM-2.1, CM-3.14, ED-3.4, and Goal CM-3. The text of these now outdated General Plan policies are reflected in Response 2 above, with the exception of CM 3.14, which reads as follows: "Enhance pedestrian and bicycle access to local and regional transit, including facilitating connections to transit." This comment also references Section 1.5.1.2 (Vehicular and Pedestrian Access), page 1-14 of the Project Description for the IS/MND.</p> <p>The comment is noted that connectivity would provide better accessibility to the neighborhood east of the project site. However, during outreach discussions with that neighborhood, it was made clear that they did not want this project to connect to their neighborhood. As such, this is not an oversight in design. Rather, the project design reflects input received from the residents of that neighborhood. The final design will comply with the policies set forth in the General Plan Update, and will be reviewed and approved by the City prior to implementation and the final design will consider these types of treatments based on City and Caltrans design requirements.</p>	N/A
6	Community Trail preferred route		The commenter mentions an additional interest is that such a connection would be able to form a preferred route to provide access to the Community Trail planned for the Etiwanda Creek/utility corridor approximately 800 feet east of the Project site. This comment is noted that additional connectivity to bikeway facilities east of the project site is of interest and is prioritized in the City's General Plan Update.	N/A
7	Summary	4	This comment includes closing remarks and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft MND. No further response to this comment is required.	N/A
8	Table 1	5	The commenter provides a table of selected goals and policies from the City's 2010 General Plan (now superseded by PlanRC 2040) but does not state a specific concern or question regarding the adequacy of the environmental analysis in the Draft MND. As such, no further response to this comment is required under CEQA.	N/A

California Department of Fish and Wildlife Comment Letter

Comment #	Section/Subtopic	Page(s)	Response	IS/MND Reference
1	Untitled (Introduction)	1	This comment includes introductory remarks. No further response to this comment is required.	N/A
2	CDFW Role	1	This comment includes introductory remarks. No further response to this comment is required.	N/A
3	Project Description Summary	1	This comment describes the project description and does not state a specific concern or question regarding any physical impact to the environment or the adequacy of the environmental impact analysis in the Draft IS/MND. No further response to this comment is required.	N/A
4	Comments and Recommendations	1-2	The commenter agrees that an IS/MND would be appropriate for the Project with the addition and implementation of minimization and mitigation measures including those recommended by CDFW and requests the IS/MND adequately disclose impacts and measures prior to finalization of the IS/MND. As further discussed in Responses 5 and 6 below, the IS/MND has been revised to incorporate the recommendations provided by CDFW.	Section 4.4, Biological Resources, pages 4-14 through 4-17
5	Western Yellow Bat and Nesting Birds	2-3	<p>The commenter requests that Mitigation Measure BIO-1 in Section 4.4 (Biological Resources), page 4-15 of the IS/MND, which outlines a pre-construction survey and habitat avoidance and minimization measures for nesting birds and bat roosting, be separated into two separate mitigation measures: one for nesting birds and another for bat roosting based on the differences in survey methodology and timing. (See, Comment Letter p. 2 [“While CDFW appreciates the inclusion of mitigation measure BIO-1 it is more appropriate to separate nesting bird and bat surveys into two measures based on the differences in survey methodology and timing”].) Additionally, the commenter requests that the mitigation measure related to nesting birds expand the timeframe of the pre-construction survey to include the entire year.</p> <p>Therefore, in response to and at the request of CDFW, original Mitigation Measure BIO-1 has been separated into two mitigation measures: (1) revised Mitigation Measure BIO-1, which has been modified to exclusively address bat roosting through implementation of a pre-construction survey and roost avoidance and minimization measures during construction to reduce impacts to bat roosting to less than significant; and (2) Mitigation Measure BIO-3, which provides for a pre-construction survey and habitat avoidance and minimization measures to identify nesting birds within three days prior to the start of project activities including vegetation clearing and ground-disturbance. The survey shall be conducted between dawn and noon, in order to capture both nocturnal and diurnal nesting bird species and shall be conducted regardless of the time of year the construction is to begin. Commenter has not identified a “new, avoidable significant effect” requiring new mitigation to reduce environmental effects to less than significant; rather, previously proposed Mitigation Measure BIO-1, which was sufficient to reduce the previously-identified impacts to less than significant, has been divided and augmented to address the CDFW’s request for added specificity. (14 CCR § 15073.5(c)(2)-(3).)</p>	Section 4.4, Biological Resources, page 4-14 through 4-17
6	Burrowing Owl	4-5	<p>The comment first correctly notes that the Biological Resources Assessment for the Project (Appendix B, p. 7) concludes that: “Burrowing owl is a CDFW SSC species that is associated with large expanses of (usually flat) grasslands and resides in small mammal burrows year around. Though the BSA is comprised of grassland and does include small mammal burrows (California ground squirrel), western burrowing owl is not expected to occur within the BSA for breeding or overwintering. The Project parcels are a relatively small (5.2 acres) undeveloped area surrounded by residential and commercial development. Anthropogenic disturbances (traffic, noise, mowing, and threats by domestic dogs) prevent the BSA from supporting burrowing owl. No burrowing owl sign (whitewash, owl pellets, or feathers) was observed during the field survey.” (Comment Letter, p. 4.)</p> <p>The CDFW comment letter does not provide evidence of a new significant impact on burrowing owl. The commenter “disagrees with the conclusion that the Project site could not support burrowing owls” based solely upon the following statement: “They are commonly found in disturbed areas surrounded by anthropogenic development” (<i>id.</i>) but offers no evidence beyond this statement to support that this is the case, generally or as to this Project site.</p> <p>As set forth in the Biological Resources Assessment, the qualified biologist for the project maintains that there is a low potential for the burrowing owl to occur because the project site is comprised of low quality habitat. Furthermore, no records of past or present burrowing owl occupation was found while reviewing the California Natural Diversity Database maintained by CDFW, which indicates that burrowing owls are not known to occur in the area of the Project site. Burrowing owls reside in sheltered areas, most commonly small mammal burrows (e.g., California ground squirrel [<i>Otospermophilus beecheyi</i>]), year around for nesting and refuge. Though a few California ground squirrel burrows were observed at the Project site during the field survey, none of the burrows had burrowing owl signs (white-wash, pellets, or feathers) or any evidence that the Project site was presently or recently occupied by burrowing owls.</p> <p>No evidence is offered by CDFW to refute this determination. The simple statement that burrowing owls can be found in disturbed areas is thus based upon speculation and requires no further analysis or mitigation under CEQA. (See, CEQA Guidelines Section 15145 [“if a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact”]; see also, <i>Marin Mun. Water Dist. v. KG Land California Corp.</i> (1991) 235 Cal.App.3d 1652,1662 [environmental document need not engage in ‘sheer speculation’ as to future environmental consequences”]; <i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1993) 6 Cal.4th 1112, 1137 [California Supreme Court held such a conclusion was authorized by CEQA Guidelines section 15145].) As such, there is no evidence in the record that the burrowing owl is supported on the Project site and the commenter has not identified a “new, avoidable significant effect” requiring new mitigation to reduce environmental effects to less than significant. (14 CCR § 15073.5(b).)</p> <p>Even though there is no evidence of a new significant impact on burrowing owl, the project mitigation measures have been revised to include voluntary implementation of the more specific surveys as precautionary measures requested by the commenter. Based upon the assertion cited above, the commenter requests that a mitigation measure be included to provide for a pre-construction survey from a burrowing owl biologist. This added mitigation is requested even though the existing environmental</p>	Section 4.4, Biological Resources, page 4-14 through 4-17

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			<p>document already provides for a pre-construction survey that would identify and address MBTA-protected nesting birds and roosting bats, including the burrowing owl, as previously numbered BIO-1.</p> <p>As the burrowing owl is a CDFW SSC species, and as a protocol-level survey was not conducted for burrowing owls, the possibility of this species within the BSA cannot be entirely ruled out. However, similar to the western yellow bat, there is a low potential for the occurrence of burrowing owl at the Project site due to the low quality of habitat and anthropogenic disturbances (e.g., traffic, noise, mowing, and threats by domestic dogs). Accordingly, although at this time it is unknown whether impacts to the burrowing owl species could occur and there is no evidence that their habitat could be supported by the Project site, applicant has voluntarily agreed to incorporate the “avoidance and minimization measures” suggested by the commenter’s letter into the IS/MND. The requested additional surveys will be implemented as a precautionary measure to ensure that no burrowing owls have emerged at the time of construction and that, if identified, they are appropriately addressed.</p> <p>The IS/MND has been revised to include a discussion of this species as a species with the low potential to have marginal habitat supported by the BSA. Additionally, even though the potential for the occurrence of burrowing owl is low, Mitigation Measure BIO-2 (a revision to the survey requirements previously set forth at BIO-1, mirroring the text of the suggested measure in commenter’s letter) has been incorporated. This measure includes pre-construction surveys specific to the burrowing owl and burrowing owl habitat avoidance buffers to address burrowing owls at the request of CDFW and as a precautionary measure to ensure appropriate steps are taken to prevent any potential impacts to burrowing owls and their associated habitat. (14 CCR § 15073.5(c)(2).) However, no new significant biological impacts would result from the Project or from the precautionary measure (BIO-2) proposed to be implemented. (14 CCR § 15073.5(c)(3).) With implementation of the surveys proposed by original BIO-1 or revised BIO-2, the potential Project impacts on the burrowing owl would be less than significant (as originally determined).</p>	
7	Environmental Data	5	The commenter requires any special status species and natural communities detected during Project surveys to be reported to the California Natural Diversity Database (CNDDB). No further response to this comment is required.	N/A
8	Filing Fees	5	The commenter outlines the California Department of Fish and Wildlife fee requirements for environmental documentation. Upon filing the Notice of Determination for the project, the City will pay the appropriate California Department of Fish and Wildlife fees, as required.	N/A
9	Conclusion	5	The commenter provides closing remarks and requests that the City address CDFW’s recommendations prior to adoption of the IS/MND to avoid, minimize, or mitigate Project impacts on biological resources. The IS/MND has been revised to clarify the impact discussion and mitigation measures associated with biological resources, and to augment the mitigation measures with additional precautionary measures requested by CDFW’s comment letter. Specifically, a mitigation measure has been included to address burrowing owls at the request of CDFW as a precautionary measure even though the potential for the occurrence of burrowing owl is low. Mitigation Measure BIO-2, which includes pre-construction surveys and burrowing owl habitat avoidance buffers, would ensure appropriate steps are taken to prevent any potential impacts to burrowing owls and their associated habitat. However, no new significant environmental impacts would result from the Project or from a new mitigation measure proposed to be implemented. For the reasons described above in the more detailed response to Comment 6, there is no evidence of a new significant impact on burrowing owl, the project mitigation measures have been revised to include voluntary implementation more specific surveys at the request of the CDFW and as precautionary measures. Although these changes do not constitute “substantial revisions” that require recirculation pursuant to CEQA Guidelines Section 15073.5, the updated IS/MND will be recirculated to provide clarification regarding the project description and assumptions made in the Project’s air quality analysis, augment mitigation measures to be implemented in connection with the Project, provide public notice of certain project revisions and regulatory updates, and to show other minor grammatical, technical and other revisions made to the document.	N/A
10	References	6	The commenter includes references to their comment letter. No further response to this comment is required.	N/A
11	Attachment 1	7-9	The commenter attaches a draft Mitigation Monitoring and Reporting Program for CDFW-proposed mitigation measures. This information has been incorporated into the Project’s Mitigation Monitoring and Reporting Program.	N/A

Mitchell M. Tsai Carpenters Union Comment Letter

Comment #	Section/Topic	Page(s)	Response	MND Reference
1	Untitled (Introduction)	1-2	<p>This comment includes introductory remarks and states the commenter's rights to provide comment. The comment incorporates by reference "all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project"; however, there is no EIR for this Project.</p> <p>The commenter further requests to be notified of any notices issued under CEQA for this Project, citing sections of the CEQA Guidelines which relate to EIRs and are in applicable here. Per Section 21092.1 of the CEQA Guidelines, a public agency shall give notice again pursuant to Section 21092 prior to certification when "significant new information" is added to an EIR.</p> <p>For the reasons set forth in the Notice of Intent, the updated IS/MND will be recirculated to the public and notice to this and the other commenters as required under CEQA will be provided by the City.</p>	N/A
2	The City should require local hire	2-5	<p>The commenter requests that the City "require the Applicant to provide additional community benefits such as requiring local hire" to mitigate greenhouse gas, air quality, and transportation impacts. The City does not have a written policy to require this. Further, the Project's entitlements will not include a Development Agreement; therefore, a discussion regarding "community benefits" is not relevant. Finally, all project impacts regarding greenhouse gas, air quality and transportation have been appropriately identified and mitigated to a level of insignificance as set forth in the IS/MND document. No additional mitigation is required to reduce such impacts to insignificance. This comment is noted for the record and no further response to this comment is required.</p>	N/A
3	<p>I. The Project Would be Approved in Violation of CEQA</p> <p>A. The City Must Prepare an EIR for the Project</p>	5-6	<p>The commenter believes there is a fair argument that the Project will have a significant effect on the environment and that the City should prepare an EIR. Since the commenter does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft IS/MND, no further response to this comment is required pursuant to CEQA.</p>	N/A
4	<p>B. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts</p>	7-10	<p>The commenter requests the City to adopt a mandatory finding of significance that that the Project may cause a significant adverse effect on human beings due to risk of COVID-19 spread during project construction. The commenter is directed to Section 1.5.2, Project Construction, of the IS/MND which clarifies that the "Project would comply with Centers for Disease Control and Prevention (CDC) guidelines, the Occupational Safety and Health Administration (OSHA) requirements, and contractor policies to maintain a healthy workplace environment for construction workers at the job site." The CDC and OSHA guidelines do not require the additional COVID-19 measures recommended by SWRCC; however, as noted in the IS/MND, the project will comply with all federal, state, and local COVID-19 prevention measures. Accordingly, there is no legal support in CEQA or factual support in the record for commenter's assertion that the City must adopt a mandatory finding of significance due to the risk of COVID-19 spread during project construction.</p>	Section 1.5.2, Project Construction, page 1-16
5	<p>II. The IS/MND is Deficient</p> <p>A. All Parking Calculations and Requested Parking Exceptions Numbers are Inaccurate, and Deceiving</p>	10-11	<p>The commenter states that the Parking Memo (Appendix I) fails to appropriately calculate the parking required for the project and requests that the calculation be revised to include both residential and commercial uses. This comment is made under the section of the letter which alleges that the IS/MND is deficient.</p> <p>First, as a prefatory matter it is noted that parking was removed from the CEQA guidelines and the adequacy of parking is no longer an impact criteria under CEQA. As such, whether the project provides sufficient parking is not a consideration regarding the adequacy of the Project's CEQA document. Therefore, this comment is not relevant to the adequacy of the IS/MND or compliance with CEQA.</p> <p>Second, at the direction of the City the Project design has been revised to provide for additional parking such that the Project will no longer require a parking reduction (for the residential or commercial areas) and will comply with all City parking requirements and standards. As reflected in the revisions to the Section 1.5.1 (Building and Site Design) – the Project will now provide a total of "528 total parking spaces: 200 surface parking spaces and 328 garage parking spaces, including guest parking spaces. The surface parking spaces would include 173 standard parking spaces and 27 tandem spaces, as depicted in Figure 5 of the IS/MND. The subterranean garage would include 228 standard spaces and 100 tandem spaces and would be approximately 11 feet below ground. Figure 10 shows the subterranean garage site plan."</p> <p>Finally, the commenter's description of the City's Code is mis-leading and incorrect. Parking for shared use projects (this is a shared use project as the small commercial space will have the potential to utilize the same parking facilities as guest spaces) always consider the totality of the parking supply to ensure that the total supply is sufficient. An example of this is shared parking between office space and residential uses. According to the Urban Land Institute's Shared Parking Model, which is the industry standard for calculating parking for mixed-use developments, residential parking supply usually peaks in the late evening (around 10:00 PM). Conversely, office space peaks around 10:00 AM. Therefore, shared parking between uses does not consider them individually, but considers the total supply and the temporal demand of parking for those uses to ensure that the parking is "right sized".</p>	Appendix I

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			<p>This is further supported by the plain text of City of Rancho Cucamonga Municipal Code Section 17.34.090 (cited in the comment letter), which states that “[i]n the case of mixed uses in a building or on a lot, the total number of required parking spaces shall be the sum of the requirements for the various uses computed separately.” Table 2 of the parking management memo, summarized below, specifically outlines how the parking allocation by use type is proposed:</p> <p style="text-align: center;">Table 2: Required Parking</p> <table border="1" data-bbox="1059 536 2172 983"> <thead> <tr> <th>Floorplan</th> <th>Units</th> <th>Required Parking per Unit</th> <th>Total Parking Required</th> <th>Total Parking Proposed</th> <th>Requested Parking Exception</th> </tr> </thead> <tbody> <tr> <td>A (1 Bedroom)</td> <td>184</td> <td>1.5</td> <td>276</td> <td rowspan="3">414</td> <td rowspan="3">13 (3%)</td> </tr> <tr> <td>B (2 Bedroom)</td> <td>55</td> <td>2</td> <td>110</td> </tr> <tr> <td>C (3 Bedroom)</td> <td>20</td> <td>2</td> <td>40</td> </tr> <tr> <td>Live/Work (1 Bedroom)</td> <td>1</td> <td>1.5</td> <td>1</td> <td rowspan="2">4</td> <td rowspan="2">9 (69%)</td> </tr> <tr> <td>Commercial</td> <td>3,339 sq. ft.</td> <td>1 space per 250 sq. ft.</td> <td>13</td> </tr> <tr> <td>Guests</td> <td>260</td> <td>0.33</td> <td>86</td> <td>47</td> <td>39 (45%)</td> </tr> <tr> <td>Total</td> <td>260</td> <td>-</td> <td>526</td> <td>465</td> <td>61 (12%)</td> </tr> </tbody> </table> <p>Source: City of Rancho Cucamonga Municipal Code Table 17.64.050-1 for multi-family development. Note: The parking code requires more than half of the parking for multifamily development to be garaged; the proposed project does not provide dedicated garages for each unit.</p> <p>Additionally, Policy LC-2.7 of the Land Use and Community Character Element of the City’s General Plan Update states: “Encourage structured and shared parking solutions that ensure that parking lots do not dominate street frontages and are screened from public views whenever possible.” There is additional discussion related to this policy in the General Plan EIR that states: “As for parking requirements for individual developments, the City has adopted parking and loading standards by land use, as well as options for shared parking among two or more uses to reduce overall parking supply requirements. Reducing overall parking supplies helps to minimize impervious areas in surface parking lots, and results in more efficient use of land so that portions of parking lots or structures do not sit empty for long periods.” (PlanRC 2040 EIR, p. 5.17-16.) This policy and policy discussion further supports evaluation of shared parking by calculating and evaluating the parking supply, and parking reductions, in totality as referenced in the document.</p> <p>Finally, it should be noted that the parking management memo has been updated to account for the additional parking that the Project will provide in accordance with City standards, and to include additional parking information collected at a similar site related to residential parking demand. The update also includes additional strategies to further monitor and, if needed, reallocate the designation of parking to better utilize the spaces on the site.</p>	Floorplan	Units	Required Parking per Unit	Total Parking Required	Total Parking Proposed	Requested Parking Exception	A (1 Bedroom)	184	1.5	276	414	13 (3%)	B (2 Bedroom)	55	2	110	C (3 Bedroom)	20	2	40	Live/Work (1 Bedroom)	1	1.5	1	4	9 (69%)	Commercial	3,339 sq. ft.	1 space per 250 sq. ft.	13	Guests	260	0.33	86	47	39 (45%)	Total	260	-	526	465	61 (12%)	
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Total	260	-	526	465	61 (12%)																																									
6	B. The IS/MND Project Description is Deficient	11	The commenter states that the parking reduction exception was incorrectly calculated. Refer to Response 5. Further, this comment is no longer relevant as the Project will not seek a parking reduction.	Appendix I																																										
7	C. The IS/MND Improperly Labels Mitigation Measures as “Project Design Features”	11-12	<p>The commenter states that the IS/MND violates CEQA because “project design features” are used in lieu of mitigation measures. The comment does not reference a specific PDF or provide analysis of why that PDF should be characterized as project mitigation. The comment includes text about “sustainable design features” found on IS/MND page 4-29, but cites to 4-29.</p> <p>Assuming the commenter intended to refer to the general text on page 4-29 regarding “sustainable design features,” the commenter is directed to Section 1.5.1.4, Sustainable Design Features, of the IS/MND which identifies the energy efficiency elements that would be included as part of the Project design. These Sustainable Design Features are referenced where applicable within the Energy analysis. Additionally, although the Project’s compliance with 2019 Title 24 energy efficiency standards for residential buildings is included within the Greenhouse Gas Emissions analysis, the section has been updated to specifically reference Section 1.5.1.4 to confirm that compliance is a result of the implementation of the</p>	Section 1.5.1.4, Sustainable Design Features, page 1-15; Section 4.6, Energy, pages 4-29 through 4-30; Section 4.8, Greenhouse Gas Emissions, page 4-36																																										

Comment #	Section/Topic	Page(s)	Response	MND Reference
			<p><u>Project's Sustainable Design Features</u>. These components are integral to the proposed building composition and Project design and would not be considered mitigation and should not be included as part of the Mitigation Monitoring and Reporting Program. These sustainable design features are accounted for in the proposed design for the Project, not implemented after the fact in order to reduce or mitigate an identified environmental impact. They are analyzed as such in the impact analysis of the IS/MND – <i>i.e.</i>, the impact conclusions take into account environmental protection afforded by these design features. As such, they are appropriately identified in the IS/MND as PDFs and are not project mitigation.</p>	
8	D. The IS/MND Fails to Adopt all Mitigation Measures Identified on the IS/MND	12-14	<p>The commenter states that the IS/MND includes the hiring of a paleontologist as a mitigation measure but fails to include this within the Mitigation Summary; the commenter further states that mitigation measures must be adopted following a finding of significance. The commenter is directed to Section 4.7, Geology and Soils, on page 4-34 of the IS/MND which clarifies that impacts to paleontological resources or sites or unique geologic features would be less than significant, thus negating the need for a mitigation measure. The analysis concludes that, while no paleontological resources have been encountered at or in the vicinity of the Project site, the proposed Project is not anticipated to directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Although not expected to occur, in the event previously uncovered paleontological resources are encountered during Project construction, the construction manager would halt construction activities in the immediate area. A qualified paleontologist would make an immediate evaluation of the significance and appropriate treatment of the resource. Construction activities may continue on other parts of the construction site while evaluation and treatment of paleontological resources take place, if necessary. Compliance with these existing policies would ensure that the impact to paleontological resources would be less than significant." The assistance of a paleontologist in the event of a resource being uncovered is not proposed as a mitigation measure and therefore is not listed in the Mitigation Summary. However, this portion of the analysis does incorrectly reference the CEQA Guidelines Section 15064.5(f), which specifically applies to archeological resources; as such, this reference has been removed and the IS/MND revised. This comment is noted for the record and no further response to this comment is required.</p>	Section 4.7, Geology and Soils, page 4-34
9	Conclusion	14	<p>The commenter provides closing remarks and requests that the City revise and recirculate the IS/MND. The IS/MND has been revised to clarify the project description, impact discussions and mitigation measures. However, no new significant environmental impacts would result from the Project or from a new mitigation measure proposed to be implemented. Although recirculation is not required under the CEQA Guidelines as to these revisions, the IS/MND will be recirculated for the reasons set forth in the Notice of Intent issued by the City. Refer to Response 1 and law cited therein.</p>	N/A
10	Exhibit A	15-20	<p>The commenter includes a local hire greenhouse gas modeling analysis comparison as an attachment to their comment letter. The findings of the SWAPE report do not change the impact conclusions of the Draft IS/MND. Please note that the GHG emissions that would be generated by construction and operation of the proposed project were estimated using the California Emissions Estimator Model (CalEEMod, Version 2016.3.2), which is the preferred regulatory tool recommended by SCAQMD for estimating GHG emissions from proposed land use development projects.</p>	N/A
11	Exhibit B	21-31	<p>The commenter includes a resume as an attachment to their comment letter. No further response to this comment is required.</p>	N/A
12	Exhibit C	33-41	<p>The commenter includes a resume as an attachment to their comment letter. No further response to this comment is required.</p>	N/A

Lozeau Drury SAFER Comment Letter

Comment #	Section/Topic	Page(s)	Response	MND Reference
1	Untitled (Introduction)	1	This comment includes introductory remarks, states “there is a fair argument that the Project may have adverse environmental impacts,” and requests an Environmental Impact Report (EIR) be prepared for the Project. Per Section 15073.5(d) of the CEQA Guidelines, “if during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project.” The IS/MND identifies and evaluates all adverse environmental impacts the Project may cause and proposes feasible measures to mitigate all potentially significant impacts identified to less than significant. This commenter does not identify any new adverse environmental impacts that the IS/MND has not identified and evaluated. The IS/MND has been revised to clarify its analysis but does not include any new significant environmental impacts because none could be surmised. Therefore, an EIR is not needed for this Project.	N/A
2	I. Project Description	2	This comment describes the project description and does not state a specific concern or question regarding any physical impact to the environment or the adequacy of the environmental impact analysis in the Draft IS/MND. Therefore, no further response to this comment is required under CEQA.	N/A
3	II. Legal Standard	2-5	The commenter discusses reported court decisions and other legal authorities regarding CEQA but does not express any question or concern regarding any physical impact to the environment or the adequacy of the Draft IS/MND. Therefore, no further response to this comment is required under CEQA. Additionally, see Response to Comment 1 for further detail regarding why, pursuant to this legal standard, an EIR is not needed for this Project.	N/A
4	<p>III. Discussion</p> <p>A. There is Substantial Evidence of a Fair Argument that the Project Will Have a Significant Health Risk Impact from its Indoor Air Quality Impacts</p>	5-8	<p>The commenter assumes—without presenting any facts to confirm—that the Project’s building materials would include composite wood products manufactured with urea-formaldehyde resins that would cause a significant impact on indoor air quality by emissions that would exceed the South Coast Air Quality Management District’s (SCAQMD) CEQA significance threshold for airborne cancer risk. The commenter states the SCAQMD threshold rate is 10 per million while the Project would emit a rate of 120 per million based on results of an indoor air quality study (Singer, et al, 2020). The proposed Project would develop a 260-unit apartment community. The commenter is directed to Section 4.3(d) (Air Quality), page 4-12 of the IS/MND.</p> <p>The proposed Project is a new construction. The City requires, and the developer is legally obligated to ensure, that all new construction complies with all applicable building code and other legal requirements. Therefore, the developer will ensure that all building materials utilized will comply with all California requirements applicable to formaldehyde in newly constructed buildings including the applicable 2019 California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11) for formaldehyde in composite wood products (as specified in the California Air Resources Board Air Toxic Control Measure for Composite Wood – 17 CCR 93120 et seq.). The commenter is directed to Section 4.3(d), page 4-12 of the IS/MND which clarifies that “all materials utilized in building construction would comply with the applicable Green Code standards for formaldehyde including the California Green Building Code, 24 CCR 4.504.4.5, which requires composite wood products to comply with the CARB Airborne Toxic Air Control Measure to reduce formaldehyde emissions from composite wood products and California’s Proposition 65 which requires businesses to provide warnings for exposures to formaldehyde (and other listed carcinogens and reproductive toxins) unless the business can prove that the exposure poses no significant risk.” The developer will have full control over the selection of materials used for building construction and will ensure that all composite wood products would be CARB Phase II-compliant in accordance with the 2019 CALGreen standards.</p> <p>The study that the commenter relied upon to purport that indoor carcinogenic risks to future residents would exceed the SCAQMD threshold of 10 excess cancers per million (Singer, et al., 2020) does not provide substantial evidence to support the claim for several reasons. First, the Healthy Efficient New Gas Home (HENGH) study was performed with the intent of evaluating the effects of the 2008 Title 24 Building Standards requirements for ventilation on indoor air quality within single family homes containing natural gas appliances and outfitted with mechanical ventilation systems. The purpose of the study was not to analyze formaldehyde emission rates or resulting concentrations from composite wood products. The single family homes evaluated in the HENGH study were built between 2011–2017 and only required to meet 2008 Title 24 building standards for mechanical ventilation and building envelope leakage/air infiltration. The Title 24 standards and methodology for residential ventilation requirements were updated in 2016 and refined in 2019, and therefore homes included in the HENGH sample that would not have met the 2019 ventilation standards are not reliable for comparative purposes. Homes evaluated in the original 2007 California New Home Study (CNHS)—which the HENGH study used as a benchmark for pre-2008 ventilation conditions—are also not comparable to the proposed apartment units that comprise the Project with regards to ventilation and infiltration standards, which greatly influence indoor air quality.</p> <p>Second, the commenter used inappropriate exposure parameters and methodology to calculate the estimated risk to future residents based on the results of the HENGH study and the 2007 CNHS. The 2015 OEHHA risk assessment guidelines recommend a 30-year exposure for residential health risk assessments. The commenter used the obsolete 70-year residential exposure period assuming continuous (100 percent of time spent at home) exposure to arrive at the estimated cancer risk of 120 per million based on the HENGH study and 180 per million based on the CNHS analysis. The 2015 OEHHA guidelines recommend the use of a fraction of time at home value of 0.73 for adults and 0.72 for children. When the exposure duration is reduced from 70 years to 30 years and a time-at-home fraction of 0.75 is applied, the assumed risk based on the median HENGH study formaldehyde concentration of 24.1 µg/m³ would be 38.6 per million. This estimated risk is less than one-third of the risk claimed by the commenter (120 per million), reflecting the flawed methodology employed to estimate possible carcinogenic risks from formaldehyde exposure. However, it is likely that this reduced carcinogenic risk is still a substantial overestimation of potential formaldehyde concentrations and exposures in proposed project dwelling units.</p>	Section 4.3(d), Air Quality, page 4-12

Comment #	Section/Topic	Page(s)	Response	MND Reference
			<p>Furthermore, the HENGH sample of detached, single-family homes is not comparable to the apartment units comprising the proposed project based on the average size of the dwelling units and the sources of emissions present. The sample of single family homes in the HENGH study had a mean floor area of 2,657 square feet and generally ranged from 2,000 to 3,500 square feet. The proposed project comprises multifamily apartment units ranging in size from 715 square feet to 1,367 square feet and the average (mean) floor area of apartments comprising the proposed project is approximately 872 square feet. Therefore, the average single family home included in the HENGH sample was approximately three times as large as the average apartment for the proposed Project. The HENGH study did not document the approximate square footage of composite wood flooring/panels in each single family home sampled, however, it is reasonable to assume that a proportional amount of composite wood products would be used based on the floor area. Average daily formaldehyde emissions from composite wood flooring products within each dwelling unit would therefore be approximately three times lower in proposed project apartment units on average than in the single family homes analyzed in the HENGH study.</p> <p>Lastly, composite wood products do not represent the only source of volatile organic compound (VOC) emissions within the single family homes evaluated in the HENGH study, and the study did not include a sample/control analysis. The HENGH study specifically assessed homes with natural gas appliances, which emit VOCs and are also regulated under Title 24. The 2019 Title 24 residential building standards for appliance end use natural gas consumption are more stringent than the 2008 standards, and it has been determined that compliance with these new more stringent standards (which, as noted above, the Project will adhere to in their entirety) would adequately prevent an impact arising from indoor air emissions and concentrations of formaldehyde. Notably, the HENGH study did not include an analysis that isolated composite wood product emissions sources as the control variable, and the results of the study cannot be entirely associated with the presence of composite wood products. While the HENGH study determined that median indoor formaldehyde concentrations were approximately one-third lower and maximum concentrations were approximately 50 percent lower compared to the original 2007 CNHS, the degree of decrease cannot be directly attributed to composite wood products meeting the CARB Phase II compliance. For these reasons the comment fails to provide substantial evidence supporting an indoor carcinogenic risk exceeding the SCAQMD toxicity threshold within proposed project apartment units.</p> <p>The commenter also suggests that the proposed project should incorporate indoor air mitigation using advanced filtration units to reduce potential resident exposures to fine particulate matter (PM_{2.5}) concentrations in outdoor air resulting from nearby roadways that infiltrates into the building. The commenter identifies the Interstate 15 (I-15) freeway, Foothill Blvd, Etiwanda Ave, and Auto Club Speedway as sources of PM_{2.5} emissions and suggests that concentrations would exceed the ambient air quality standards, thereby impacting future residents. An analysis of the existing environment on future residents of the proposed project is not necessary per the unanimous California Supreme Court’s decision cited by the commenter in <i>California Building Industry Association v. Bay Area Air Quality Management District</i> (2015) 62 Cal.4th 369, 377: “In light of CEQA’s text, statutory structure, and purpose, we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.” On pages 4-10 and 4-12 in Section 4.3, Air Quality, the IS/MND analysis does analyze how the Project exacerbates air emissions from mobile sources (including along the roadways referenced by the commenter) and shows that ambient AQ standards for PM 2.5 would not be exceeded, contrary to what the commenter asserts. As demonstrated by the analysis presented in the Air Quality section of the IS/MND, implementation of the proposed Project would not generate daily PM_{2.5} emissions in excess of the applicable regional or localized significance thresholds established by the SCAQMD. Therefore, the proposed Project would not risk “exacerbating those environmental hazards or conditions that already exist” and no further analysis of PM_{2.5} concentrations in the vicinity of the proposed. Implementation of BMPs which are standard conditions of approval would reduce impacts to air quality to the extent feasible because construction-related emissions of criteria air pollutants and precursors would be minimized through the use of the highest rate diesel engines available for heavy-duty, off-road equipment and dust suppression techniques.</p> <p>Furthermore, the CARB has published recommended buffer distances for siting sensitive land uses setback from sources of major pollutant emissions, including high-volume roadways. The CARB recommends avoiding siting new sensitive land uses within 500 feet of a freeway or urban road with 100,000 vehicles per day (CARB, 2005). In compliance with this guidance from CARB, the proposed Project would be located approximately 1,800 feet (approximately one-third of a mile) from the I-15 corridor. As such, the proposed project would be situated more than three times the recommended buffer distance established by the CARB and would be farther away than the distance at which freeway-source emissions are distinguishable in traffic-related health studies (1,000 feet). Additionally, the PlanRC City of Rancho Cucamonga General Plan Update contains a section dedicated to Community Mobility with an associated Existing Conditions Report (City of Rancho Cucamonga, May 2020). The Community Mobility Existing Conditions Report identifies that Foothill Blvd has an average daily traffic of approximately 30,000–40,000 vehicles per day, and Etiwanda Avenue has an average daily traffic of approximately 10,000–15,000 vehicles per day. Both of these roadway corridors have average daily traffic that is substantially below the CARB major urban roadway criterion of 100,000 vehicles per day. Therefore, the comment has not provided substantial evidence to support the claim that I-15, Foothill Boulevard, and Etiwanda Avenue would constitute sources of air quality concerns for future residents of the proposed Project. Finally, the Auto Club Speedway would be located approximately 6,500 feet (1.23 miles) from the proposed Project. CARB recommends siting new sensitive land uses at least 1,000 feet from distribution centers and maintenance and service yards for railroads. The proposed Project would be significantly beyond this distance (more than six times the distance recommended by CARB) from the Auto Club Speedway.</p>	
5	B. The IS/MND Fails to Adequately Mitigate the Potential Adverse Impacts of the Project on Wildlife	8	The commenter provides an introduction on the wildlife biologist commenting on the biological resources analysis of the IS/MND but does not express any question or concern regarding any physical impact to the environment or the adequacy of the Draft IS/MND. Therefore, no further response to this comment is required under CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.	N/A

Comment #	Section/Topic	Page(s)	Response	MND Reference
6	i. <i>The wildlife baseline relied upon by the IS/MND is woefully inadequate.</i>	8-12	<p>The commenter states the reconnaissance field survey conducted by AECOM, from which the baseline for the Biological Resources Assessment Memorandum was established, was inadequate. Specifically, the commenter suggests that the time of day when the field survey was conducted was not appropriate. The purpose of the reconnaissance field survey that was conducted on September 24, 2020 was to identify the presence of habitats and to determine the potential for special-status species to occur in the biological survey area (BSA). Habitats can be identified at any time of day and the surveyor noted, on page 6 of Appendix B (Biological Resources Assessment Memorandum) of the IS/MND, that "no survey constraints impeded the ability of the biologist to perform the survey successfully". If high-quality habitat for a special-status species was found, or incidental observation of a special-status species was noted, during the reconnaissance field survey, follow-up presence-absence surveys would have been recommended specific to the individual species with high potential to occur. However, as discussed in Section 4.4 Biological Resources, pages 4-13 through 4-15 of the IS/MND, such findings and observations of a high quality habitat for a special-status species or of such a species did not occur. Additionally, the biologist who conducted the reconnaissance survey has over 12 years of experience with both wildlife and plant surveys in California and is qualified to make the determinations discussed in the IS/MND and the Biological Resources Assessment Memorandum. See this biologist's biography, under Appendix E of Appendix B, attached to the IS/MND. As such, the reconnaissance field survey and wildlife baseline used to determine the Project's impact on biological resources is adequate and appropriate.</p> <p>The commenter states that "marginal habitat" was present in the BSA for two special-status species identified in the database review. However, importantly, this comment does not acknowledge that the presence of a marginal habitat for the two special-status species it references would indicate a marginal or very low probability that such a species exists in the BSA and would not, by itself, warrant a recommendation for follow up presence-absence surveys to determine the presence of either species. A finding of a marginal habitat for such species would in these circumstances make a finding of a potentially significant impact to such species unlikely and speculative, which CEQA does not require. See CEQA Guidelines Section 15145.</p> <p>This commenter also indicates the IS/MND "misuses" and "misrepresents" the CNDDDB by stating that: (i) the CNDDDB did "not map[] precisely" locations where four special-status species were observed, and (ii) "CNDDDB records that overlap with the [BSA] are 19 years old or more and since that the time, the area has been developed substantially" making it "possible many locations no longer exist . . .current site conditions do not provide suitable habitat for these species and none are known to occur or expected to occur within the Project site or vicinity." This comment, however, acknowledges that the CNDDDB is not "intended to indicate . . . the species' exact locations", and agrees that it would be "inappropriate . . .to assert locations of past occupancy [of special-status species] should still be locations of current occupancy". While suggesting that "occurrences within 5 miles" could indicate "the species could also occur at the project site", this comment does not dispute the findings that neither high quality habitat for such species nor such species was found in the BSA or the Project site and does not offer evidence that commenter's biologist made such findings.</p> <p>As an example, the CNDDDB record for Los Angeles pocket mouse that overlaps the BSA (element code: AMAFD01041) is greater than 1 square mile in size, which is far larger than the BSA itself. The CNDDDB lists the spatial accuracy of the record as a "non-specific area", which often means precise locations are not available. Sometimes, this is due to the age of the record and availability of spatial technology such as GPS or accurate mapping at the time. This CNDDDB record is dated 1999 and CNDDDB lists the location information as "LOCATED IN FONTANA, S OF CALIFORNIA HIGHWAY 66, W OF MULBERRY AVE, E OF ETIWANDA AVE, AND N OF THE STEEL PLANT", which is a general location and also does not align with the location of the BSA which is north of highway 66. Due to the non-specific nature of this particular record location, it is not known if the record references Los Angeles pocket mouse within the BSA or if the species was detected in other location(s) within the square mile. The CNDDDB record describes the habitats onsite at the time of the finding as "HIGHLY DISTURBED ALLUVIAL FAN SAGE SCRUB, WITH PAST VINEYARD ACTIVITY AND RECENT SHEEP GRAZING". At the present day, the square mile area overlapping is predominantly commercial and residential space indicating that the area has undergone significant land use change since the time of the record origination. Regardless of whether the Los Angeles pocket mouse was ever recorded within the BSA, the species was considered for potential to occur and high quality habitat for this species (alluvial fan sage scrub) was not presently found onsite, therefore it is unlikely for this species to occur in the BSA.</p> <p>This comment describes as speculative and generalizes the explanations offered by the IS/MND for the absence of high quality habitat for special-status species habitat or of special-status species in the BSA. While this commenter refers to the commenter's biologist's view that "no evidence" is offered or no "case" is made for these explanations, the explanations reflect the IS/MND's biologist's opinion, based on experience with and knowledge of these species and their habitats, of why none of the special-status species are likely to be encountered within the BSA. Importantly, this comment does not dispute any of these explanations as possible reasons why none were encountered. Additionally, the CDFW has reviewed the IS/MND for the project's impacts on biological resources and provided comments which have been incorporated into the IS/MND. Clarification and modifications were made to the biological mitigation measures to distinguish the pre-construction surveys and measures for nesting birds and roosting bats (see revised mitigation measures BIO-1 and BIO-3), and, as a precautionary measure, to ensure appropriate steps are taken to prevent any impacts to burrowing owls (see mitigation measure BIO-2). The CDFW is the state agency tasks with protecting wildlife at the state level and they have not indicated that reconnaissance survey was inadequate in their view.</p> <p>The commenter also suggests (at page 11 of the comment letter) that the IS/MND and BSA "understate the range of animal species that are likely present on the Project site." The commenter is directed to Appendix B, the Biological Technical Memo, Sections 4.0 (Methodology) and 5.1 (Special-Status Species). The biological assessment comprises a desktop review of existing databases and identified biological resources that may occur in the BSA, including special-status plants and wildlife, USFWS's Critical Habitat, and previously delineated waters of the U.S. and state of California. Database searches were conducted of the Guasti 7.5-minute United States Geological Survey (USGS) topographic quadrangle, along with the eight surrounding quadrangles which included: Mt. Baldy, Cucamonga Peak, Devore, Ontario, Fontana, Prado Dam, Corona North, and Riverside West. Aerial imagery of the BSA was reviewed to help characterize site conditions. This</p>	Section 4.4, Biological Resources, pages 4-13 through 4-15; Appendix B

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			<p>information was evaluated by consulting the following available databases: CDFW CNDDDB¹; USFWS online Information for Planning and Consultation (IPaC)²; CNPS Inventory of Rare and Endangered Plants³; USFWS Critical Habitat Mapper⁴; USFWS National Wetlands Inventory (NWI)⁵, and USGS National Hydrography Dataset (NHD)⁶.</p> <p>Additional sources of information on special-status species in California were reviewed, given that CNDDDB is not inclusive of all current known occurrence information. The probability of occurrence evaluation for special-status species identified during the database reviews was supplemented by AECOM's professional knowledge of the area and included reviews of other published sources of information regarding special-status species in California. These latter sources include the following: eBird website⁷; Inaturalist website⁸; Calflora website⁹; and Western Bat Working Group (WBWG) website¹⁰.</p> <p>The desktop review yielded records for 49 special-status plant species and 52 special-status wildlife species that have been documented within the Guasti and surrounding eight quadrangles (Appendix D of the Biological Technical Memo). The CNDDDB search yielded four special-status species with occurrences that overlap the BSA, including coast horned lizard (<i>Phrynosoma blainvillii</i>), Delhi Sands flower-loving fly (<i>Rhaphiomidas terminates abdominalis</i>), Los Angeles pocket mouse (<i>Perognathus longimembris brevinasus</i>), and Parry's spineflower (<i>Chorizanthe parryi</i> var. <i>parryi</i>). Although the CNDDDB occurrences overlap with the BSA, none were considered to have potential to occur in the BSA given present day site conditions. In general, the CNDDDB records of these four species had non-specific locations which were not mapped precisely to the locations where the species were observed, and each individual observation is a square mile or greater in size; so it is not known whether the observation was actually made precisely within the BSA. The CNDDDB records that overlap with the BSA are also 19 or more years old and there has been significant development in the area since that time and it is possible many locations have been extirpated. These four species were assessed for potential to occur within the BSA; however, the CNDDDB occurrence information is not sufficient by itself to conclude that the species is present or has potential to occur in the present day. Due to the high levels of historic disturbance and absence of native habitats, the BSA does not provide suitable habitat for any special-status plant species; therefore, none are expected to occur within the BSA. As such, the biological assessment provides a thorough and comprehensive review of biological species occurring at and around the Project site in accordance with presently accepted industry procedures, databases and other sources of evidence.</p> <p>The commenter also states (at pages 11-12 of the comment letter) that Ms. Smallwood encountered 24 species of vertebrate wildlife during the site visit. The observed species that Ms. Smallwood listed in Table 1 of Exhibit B are common and widespread species that are not typically given special consideration under CEQA. Impacts to biological resources pertain to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Special-status species are defined as species that are included on one or more of the following lists: Plant and wildlife species that are listed as threatened or endangered, or are candidates for listing as threatened or endangered, under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA)¹¹; California Department of Fish and Wildlife (CDFW)-designated Species of Special Concern (SSC), or designated Fully Protected Species¹²; and Plants designated by the California Native Plant Society (CNPS) and CDFW with a California Rare Plant Rank (CRPR).¹³ Therefore, the birds of prey and CDFW-designated watch list species (American kestrel and Cooper's hawk) observed by Ms. Smallwood are not candidate, sensitive, or special-status species to be considered under CEQA.</p> <p>The commenter also states (at page 12 of the comment letter) that California ground squirrels were observed across the street from the Project site which she believes indicates a potential habitat for many species including burrowing owls at the Project site. The commenter is directed to the Biological Resources Assessment, in which the qualified biologist acknowledges the presence of California ground squirrels and still maintains that that there is a low potential for the burrowing owl to occur because the Project site is comprised of low quality habitat. Though a few California ground squirrel burrows were observed at the Project site (not simply across the street) during the field survey, none of the burrows had burrowing owl signs (white-wash, pellets, or feathers) or any evidence that the Project site was presently or recently occupied by burrowing owls. The Biological Resources Assessment for the Project (Appendix B, p. 7), concludes that: "Burrowing owl is a CDFW SSC species that is associated with large expanses of (usually flat) grasslands and resides in small mammal burrows year around. Though the BSA is comprised of grassland and does include small mammal burrows (California ground squirrel), western burrowing owl is not expected to occur within the BSA for breeding or overwintering. The Project parcels are a relatively small (5.2 acres) undeveloped area surrounded by residential and commercial development. Anthropogenic disturbances (traffic, noise, mowing, and threats by domestic dogs) prevent the BSA from supporting burrowing owl. No burrowing owl sign (whitewash, owl pellets, or feathers) was observed during the field survey." Furthermore, no records of past or present burrowing owl occupation was found while reviewing the California Natural Diversity Database</p>	

¹ CDFW CNDDDB RareFind 5.0. Available at <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data#43018407-rarefind-5>. Accessed on September 11, 2020.

² IPaC. 2020. USFWS. Available at: <https://ecos.fws.gov/ipac/>. Accessed September 2020.

³ CNPS, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.45). Available at: <http://www.rareplants.cnps.org>. Accessed on September 11, 2020.

⁴ USFWS Critical Habitat Mapper. 2020. Available at: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>. Accessed on September 28, 2020.

⁵ USFWS National Wetlands Inventory. 2020. Available at: <https://www.fws.gov/wetlands/data/mapper.html>. Accessed on October 14, 2020.

⁶ USGS National Hydrography Products. 2020. Available at: <https://www.usgs.gov/core-science-systems/ngp/national-hydrography/access-national-hydrography-products>. Accessed on September 11, 2020.

⁷ The Cornell Lab of Ornithology: eBird Website. 2020. Available at <http://www.ebird.org>. Accessed on September 11, 2020.

⁸ Inaturalist Open Source Software. iNaturalist website. 2020. Available at <http://inaturalist.org>. Accessed on September 11, 2020.

⁹ Calflora website. 2020. Available at <http://calflora.org>. Accessed on September 11, 2020.

¹⁰ Western Bat Working Group website. 2020. Available at <http://wbwg.org/western-bat-species/>. Accessed on September 28, 2020.

¹¹ Species listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (Title 50 Code of Federal Regulations [CFR] 17.12 [listed plants], Title 50 CFR 17.11 [listed animals] and includes notices in the Federal Register for proposed species). Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (Title 14 California Code of Regulations 670.5).

¹² California Natural Diversity Database (CNDDDB). October 2020. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA.

¹³ Plants listed as rare under the California Native Plant Protection Act (California Fish and Game Code Section 1900 *et seq.*).

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			<p>maintained by CDFW, which indicates that burrowing owls are not known to occur in the area of the project site. Burrowing owls reside in sheltered areas, most commonly small mammal burrows (e.g., California ground squirrel [<i>Otospermophilus beecheyi</i>]), year around for nesting and refuge.</p> <p>The commenter is also directed to Section 4.4(a) of the Draft IS/MND, which clarifies that there is a low potential for the occurrence of burrowing owl at the Project site due to the low quality of habitat and anthropogenic disturbances (e.g., traffic, noise, mowing, and threats by domestic dogs). The Project site is a vacant lot surrounded by residential and commercial development and a major roadway and does not support high quality burrowing owl habitat. Therefore, the simple statement that the observation of California ground squirrels across the street indicates a potential habitat for burrowing owls at the Project site is based upon speculation and requires no further analysis or mitigation under CEQA. (See, CEQA Guidelines Section 15145 [“if a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact”]; see also, <i>Marin Mun. Water Dist. v. KG Land California Corp.</i> (1991) 235 Cal.App.3d 1652,1662 [environmental document need not engage in ‘sheer speculation’ as to future environmental consequences”]; <i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1993) 6 Cal.4th 1112, 1137 [California Supreme Court held such a conclusion was authorized by CEQA Guidelines section 15145].) As such, there is no evidence in the record that the burrowing owl is supported on the Project site and the commenter has not identified a “new, avoidable significant effect” requiring new mitigation to reduce environmental effects to less than significant. (14 CCR § 15073.5(b).)</p> <p>Further, even though there is no evidence of a new significant impact on burrowing owl, the project mitigation measures have been revised to include voluntary implementation of more specific surveys at the request of the CDFW. As the burrowing owl is a CDFW SSC species, and as a protocol-level survey was not conducted for burrowing owls, the possibility of this species within the BSA cannot be entirely ruled out. However, similar to the western yellow bat, there is a low potential for the occurrence of burrowing owl at the Project site due to the low quality of habitat and anthropogenic disturbances (e.g., traffic, noise, mowing, and threats by domestic dogs). Accordingly, although at this time it is unknown whether impacts to the burrowing owl species could occur and there is no evidence that their habitat could be supported by the Project site, applicant has voluntarily agreed to incorporate the “avoidance and minimization measures” suggested by the CDFW’s letter into the IS/MND. The requested additional surveys will be implemented as a precautionary measure to ensure that no burrowing owls have emerged at the time of construction and that, if identified, they are appropriately addressed.</p> <p>Specifically, the IS/MND has been revised to include a discussion of this species as a species with the low potential to have marginal habitat supported by the BSA. Additionally, even though the potential for the occurrence of burrowing owl is low, Mitigation Measure BIO-2 (a revision to the survey requirements previously set forth at BIO-1, mirroring the text of suggested measure in CDFW’s comment letter) has been incorporated. This measure includes pre-construction surveys specific to the burrowing owl and burrowing owl habitat avoidance buffers to address burrowing owls at the request of CDFW and as a precautionary measure to ensure appropriate steps are taken to prevent any potential impacts to burrowing owls and their associated habitat. (14 CCR § 15073.5(c)(2).) However, no new significant biological impacts would result from the Project or from the precautionary measure (BIO-2) proposed to be implemented. (14 CCR § 15073.5(c)(3).) With implementation of the surveys proposed by original BIO-1 or revised BIO-2, the potential project impacts on the burrowing owl would be less than significant (as originally determined).</p>	
7	ii. <i>The IS/MND fails to address the Project’s potential significant impact on loss of breeding capacity</i>	12-13	<p>The commenter states that the Project would cause a significant impact to birds by removing 35 annual nests of unspecified ground nesting bird species. The commenter is directed to Section 4.4, page 4-13 and 4-18 of the Draft IS/MND. The BSA under existing conditions is characterized by a mostly flat area dominated by non-native invasive vegetation and bare ground bordered with ornamental trees and shrubs. As described in Appendix B, the Biological Technical Memorandum, Section 4.0 (Methodology), a site reconnaissance survey was conducted at the Project site and BSA on September 24, 2020. The Project parcels were carefully surveyed on foot, and all wildlife and plants observed were recorded (Appendix B of the Biological Technical Memorandum). Photographs were collected of the Project parcel (Appendix C of the Biological Technical Memorandum). The adjacent properties located within the 500-foot buffer of the BSA were surveyed with binoculars from public sidewalks, to the extent feasible, to determine the potential for biological resources. Survey conditions were suitable for determining the potential for biological resources, and no survey constraints impeded the ability of the biologist to perform the survey successfully. No ground nests, ground nesting bird species or special-status plant or wildlife species were observed within BSA during the reconnaissance field survey. Common plant and wildlife species observed during the reconnaissance field survey are included in Appendix B of the Biological Technical Memo. The commenter cites two studies that commenter states showed various bird nesting densities, but it is apparent that neither study occurred in the BSA or on the Project Site, and apparently occurred somewhere in “North America”. These study references do not indicate what ground nesting bird species had nests in the two study areas, whether those species are also known to exist or nest within the Project Site or BSA, and the similarities, if any, of topographical, vegetative and climatic conditions that would suggest either study had any relevance or usefulness to suggest that the same ground nesting bird species the two studies involved would be found or had nests in the BSA or on the Project Site. As a consequence, this comment relies on speculation and provides no substantial evidence in proposing that nests of protected ground nesting bird species exist on the Project Site or in the BSA, especially when existing Project conditions show otherwise. Since CEQA does not permit a finding to rest on speculation, this comment raises no evidence of a significant impact. See CEQA Guidelines Section 15145.</p> <p>Furthermore, pre-construction surveys and nest avoidance buffers would be implemented as Mitigation Measure BIO-3 to protect birds and their nests and eggs under the Migratory Bird Treaty Act and California Fish and Game Code 3503. Mitigation Measure BIO-1 would be implemented to protect roosting bats. Additionally, upon Project completion, new landscaping (trees and shrubs) that will surround the proposed mixed-use buildings will allow for continued breeding of a similar suite of urban-adapted nesting birds that currently nest in the BSA. As such, the proposed Project would not result in habitat loss that would impact bird breeding and bat roosting capacity.</p>	Section 4.4, pages 4-13 and 4-18

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8	iii. <i>The IS/MND fails to address the Project's potential cumulative impacts on habitat fragmentation</i>	13-14	<p>The commenter states that implementation of the proposed Project would result in potential cumulative impacts on habitat fragmentation. The commenter is directed to Section 4.4(d), pages 4-18 and 4-19 of the Draft IS/MND which states that in an urban context, a wildlife migration corridor can be defined as a linear landscape feature of sufficient width and buffer to allow animal movement between two comparatively undisturbed habitat fragments, or between a habitat fragment and some vital resource that encourages population growth and diversity. Habitat fragments are isolated patches of habitat separated by otherwise foreign or inhospitable areas, such as urban tracts or highways. Two types of wildlife migration corridors seen in urban settings are regional corridors, defined as those linking two or more large areas of natural open space, and local corridors, defined as those allowing resident wildlife to access critical resources (food, cover, and water) in a smaller area that might otherwise be isolated by urban development.</p> <p>The BSA occurs within an industrial center of the Los Angeles Basin and does not occur within or intersect a recognized/established regional wildlife corridor or wildlife nursery site. As a consequence, since the BSA is not within a wildlife corridor or nursery site, habitat fragmentation would not occur. However, the BSA is located within the Pacific Flyway which is an important migration pathway for many migrating bird species. The Pacific Flyway is one of four major North American migration routes for birds, especially waterfowl, that extends from Alaska and Canada through California to Mexico. As these birds travel the flyway on their annual north-south migration, they stopover at wetlands with suitable habitat and food supplies. The Project site is composed of non-native annual grassland and bare ground and bordered with ornamental trees and shrubs and does not contain suitable habitat or food supplies for birds migrating and therefore, is not used as part of this corridor.</p> <p>Project construction activities (i.e., increased noise, human presence, vibration) may temporarily result in wildlife avoidance of the Project site during the construction timeframe. However, the Project site is located within an urbanized area surrounded by residential and commercial development and a major roadway. The study area also does not occur within or intersect a recognized/established regional wildlife corridor or wildlife nursery site. Although ornamental trees and shrubs along the border of the Project parcels provide some opportunities for cover, foraging, and nesting to localized bird populations, anthropogenic disturbances such as traffic, noise, mowing, and threats by domestic dogs result in a low potential for suitable habitat. However, the project would implement Mitigation Measures BIO-1 through BIO-3, as discussed in Section 4.4(a) of the Draft IS/MND and described in the above responses to comments from CDFW, to ensure appropriate steps are taken to prevent any potential impacts to nesting birds, roosting bats, and burrowing owls.</p>	Section 4.4, pages 4-18 and 4-19
9	iv. <i>The IS/MND fails to address the Project's potential significant impacts on wildlife movement</i>	14-15	<p>The commenter states that the IS/MND fails to discuss the proposed Project's impact on wildlife movement, and instead looks for impacts to a wildlife corridor. The commenter is directed to Section 4.4(d) of the Draft IS/MND which addresses whether the proposed Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. As set forth in this section of the Draft IS/MND, the Project site and BSA are not located within or nor do they intersect with a recognized/established regional wildlife corridor or wildlife nursery site. Although ornamental trees and shrubs along the border of the Project site provide some opportunities for cover, foraging, and nesting, the Project site is located within an urbanized area surrounded by residential and commercial development and a major roadway and does not contain suitable habitat or food supplies for migrating birds or wildlife. Due to the unsuitable habitat for wildlife in the Project area, the Project will not impact wildlife movement; any wildlife movement that may occur in the Project area under existing conditions would continue to move through the surrounding urban area with or without the Project regardless of a wildlife corridor.</p> <p>Project construction activities (i.e., increased noise, human presence, vibration) may temporarily result in wildlife avoidance of the Project site during the construction timeframe. However, the project would implement Mitigation Measures BIO-1 through BIO-3, as discussed in Section 4.4(a) of the Draft IS/MND, to ensure appropriate steps are taken to prevent any potential impacts to nesting birds, roosting bats, and burrowing owls.</p> <p>As discussed in Section 4.4(d), the BSA is located within the Pacific Flyway which is an important migration pathway for many migrating bird species. The Pacific Flyway is one of four major North American migration routes for birds, especially waterfowl, that extends from Alaska and Canada through California to Mexico. As these birds travel the flyway on their annual north-south migration, they stopover at wetlands with suitable habitat and food supplies. The Project site is composed of non-native annual grassland and bare ground and bordered with ornamental trees and shrubs. The Project site is surrounded by residential and commercial development and a major roadway to the north and does not contain suitable habitat or food supplies for birds migrating. Therefore, the Project site is not considered part of this corridor.</p>	Section 4.4, pages 4-18 and 4-19
10	v. <i>The IS/MND fails to address the Project's potential significant impacts on wildlife by window collisions.</i>	15-17	<p>The commenter suggests that the IS/MND does not address the potential for bird mortality due to “window collisions” affiliated with implementation of the proposed Project. The commenter estimates that the Project would result in at least 234 bird deaths per year and would require the implementation of mitigation pertaining to pre- and post-construction surveys of flight activity and siting and design of the project. The commenter is directed to Section 4.4, page 4-14 of the IS/MND. The City's threshold of significance for biological resources related to birds is whether the project would adversely affect special-status species or a sensitive habitat. Special-status species are defined as species that are included on one or more of the following lists: Plant and wildlife species that are listed as threatened or endangered, or are candidates for listing as threatened or endangered, under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA)¹⁴; California Department of Fish and Wildlife (CDFW)-designated Species of Special Concern (SSC), or designated Fully Protected Species¹⁵; and Plants designated by the</p>	Section 4.4, page 4-14

¹⁴ Species listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (Title 50 Code of Federal Regulations [CFR] 17.12 [listed plants], Title 50 CFR 17.11 [listed animals] and includes notices in the Federal Register for proposed species). Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (Title 14 California Code of Regulations 670.5).

¹⁵ California Natural Diversity Database (CNDDDB). October 2020. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA.

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			<p>California Native Plant Society (CNPS) and CDFW with a California Rare Plant Rank (CRPR).¹⁶ While common bird species do occur in the proposed project area, the BSA is not expected to support special-status bird species or suitable habitat for sensitive species. Therefore, there is no potential for a significant impact on birds.</p> <p>The commenter also suggests the project design remains insufficiently described to determine the degree to which the project would contribute to bird collisions and recommends siting and design mitigation measures. Project design will be refined, and the final design reviewed and approved by the City prior to implementation.</p> <p>The commenter claims that at least 47 special-status species of bird are known to the Project area as listed in Table 2 of Exhibit B. As previously discussed, the biological assessment comprises a desktop review of existing databases and identified biological resources that may occur in the BSA, including special-status plants and wildlife, USFWS's Critical Habitat, and previously delineated waters of the U.S. and state of California. Additional sources of information on special-status species in California were reviewed, given that CNDDDB is not inclusive of all current known occurrence information. The probability of occurrence evaluation for special-status species identified during the database reviews was supplemented by AECOM's professional knowledge of the area and included reviews of other published sources of information regarding special-status species in California. These latter sources include the following: eBird website¹⁷; Inaturalist website¹⁸; Calflora website¹⁹; and Western Bat Working Group (WBWG) website²⁰, two of which were also used to populate Table 2 in Exhibit B. The desktop review yielded records for 49 special-status plant species and 52 special-status wildlife species that have been documented within the Guasti and surrounding eight quadrangles, however due to the urban location and lack of naturalized habitats onsite, there is low potential for any special-status bird to occur onsite. Although the project site is located within the Pacific Flyway, a migratory pathway for west coast birds, the BSA does not provide naturalized habitats or desirable vegetation to attract special-status birds to stopover. Then BSA does not provide connection to or is it adjacent to naturalized habitats where special-status birds would be more likely to stopover during migration.</p>	
11	<i>vi. The IS/MND fails to address the Project's potential significant impacts on wildlife from additional traffic generated by the Project.</i>	17-18	<p>The commenter states that the IS/MND does not address the Project's potential to impact wildlife from additional traffic generated by the proposed Project and estimates that "operations over 50 years would accumulate 163,820 wildlife fatalities." The Project site is located in a highly developed, urbanized area adjacent to residential and commercial development and a major roadway where heavy traffic already occurs. As previously discussed in Section 4.4, Biological Resources, page 4-23, the Project site and BSA are not located within or intersect with a recognized/established regional wildlife corridor or wildlife nursery site. Although ornamental trees and shrubs along the border of the Project site provide some opportunities for cover, foraging, and nesting, existing anthropogenic disturbances such as traffic, noise, mowing, and threats by domestic dogs result in a low potential for suitable wildlife habitat. Therefore, based on the surrounding conditions (urban area), the Project is not anticipated to significantly increase vehicle strikes of wildlife compared to existing conditions. Additionally, impacts to biological resources pertain to sensitive habitat or special-status species and the estimates of wildlife fatalities provided by the commenter do not distinguish between common and widespread species and special-status species. Please note that the reference material provided by the commenter from Contra Costa County in 2009 may not be applicable to the Project area as the surrounding environment/conditions are different.</p>	N/A
12	<i>vii. The IS/MND fails to adequately address the Project's potential cumulative impacts on wildlife.</i>	18-19	<p>The commenter claims that the IS/MND fails to adequately address the Project's potential cumulative impacts on wildlife. The commenter is directed to Section 4.4, Biological Resources and Section 4.21, Mandatory Findings of Significance, pages 4-77 and 4-78 of the Draft IS/MND, and Appendix B of the Draft IS/MND which has been revised to clarify that the proposed Project is located in an urban area and does not support native vegetation communities. Therefore, special-status wildlife have low potential to occur. The BSA occurs within an industrial center of the Los Angeles Basin and does not occur within or intersect a recognized/established regional wildlife corridor. However, the BSA is located within the Pacific Flyway which is an important migration pathway for many migrating bird species. Project construction activities (i.e., increased noise, human presence, vibration), although temporary, would likely result in wildlife avoidance of the area during the construction timeframe. Implementation of Mitigation Measures BIO-1 through BIO-3 would reduce potential impacts to habitat fragmentation and protect roosting bats, burrowing owls, and nesting birds that may occur on the Project site. As such, the proposed Project would not have a potentially significant impact on biological resources, and cumulatively considerable impacts to wildlife would be less than significant.</p>	Section 4.4, Biological Resources; Section 4.21, Mandatory Findings of Significance, pages 4-77 and 4-78; Appendix B
13	<i>viii. The pre-construction surveys identified in the IS/MND are not sufficient to address potential impacts to birds and bats that may be present at the site.</i>	19-20	<p>The commenter states that pre-construction surveys identified in the IS/MND are not sufficient to address potential impacts to birds and bats that may be present at the site and recommends undertaking detection surveys before pre-construction surveys. At the request of CDFW, the mitigation for nesting birds and roosting bats has been revised and separated to clarify the differences in survey methodology and timing. Original Mitigation Measure BIO-1 (now Mitigation Measure BIO-3) has been revised to address a pre-construction survey and habitat avoidance and minimization measures relating to nesting birds, of which the survey has no specific timeframe. Additionally, a mitigation measure (now Mitigation Measure BIO-1) has been included and separated from the measures set forth at BIO-3 to address bat roosting. This mitigation measure BIO-1 would implement a pre-construction survey and roost avoidance and minimization measures during construction to reduce impacts to bat roosting to less than significant. Finally, as the burrowing owl is a CDFW SSC species, and as a protocol-level survey was not conducted for burrowing owls, the possibility of this species within the BSA cannot be entirely ruled out. However, similar to the western yellow bat, there is a low potential for the occurrence of burrowing owl at the project site due to the low quality of habitat and anthropogenic disturbances (e.g., traffic, noise, mowing, and threats by domestic dogs). Therefore, the IS/MND has been revised to include a discussion of this species as a species with the low potential to have marginal habitat supported by the BSA. Additionally,</p>	Section 4.4, Biological Resources, pages 4-14 and 4-15

¹⁶ Plants listed as rare under the California Native Plant Protection Act (California Fish and Game Code Section 1900 *et seq.*).

¹⁷ The Cornell Lab of Ornithology: eBird Website. 2020. Available at <http://www.ebird.org>. Accessed on September 11, 2020.

¹⁸ Inaturalist Open Source Software. iNaturalist website. 2020. Available at <http://inaturalist.org>. Accessed on September 11, 2020.

¹⁹ Calflora website. 2020. Available at <http://calflora.org>. Accessed on September 11, 2020.

²⁰ Western Bat Working Group website. 2020. Available at <http://wbwg.org/western-bat-species/>. Accessed on September 28, 2020.

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			Mitigation Measure BIO-2 has been incorporated at the request of CDFW to implement a pre-construction survey and burrowing owl habitat avoidance and minimization measures during construction as a precautionary measure to ensure appropriate steps are taken to prevent any potential impacts to burrowing owls.																																									
14	C. The IS/MND Relied on Unsubstantiated Input Parameters to Estimate Project Emissions and Thus Failed to Adequately Analyze the Project's Air Quality Impacts.	20-21	<p>The commenter states that the CalEEMod inputs were inconsistent with information provided in the IS/MND resulting in an underestimation of the Project's emissions and requests the model be corrected. The commenter is directed to Section 4.3 Air Quality, Section 4.8 Greenhouse Gas Emissions, and Appendices A and F to the Draft IS/MND which have all been revised to more appropriately reflect the proposed Project's air quality and greenhouse gas emissions.</p> <p>The comment predominately focuses on the notion that the input parameters in the CalEEMod analysis were "unsubstantiated" deviations from the model defaults that underestimated the residential land use square footage, thus underestimating emissions. However, the land use size parameters that were incorporated into the CalEEMod analysis were based on the contemporaneous site plan for the proposed Project at the time the analysis was conducted. The CalEEMod database populates residential land use size parameters based on broadly averaged default values (i.e., 1,000 square feet per dwelling unit for multifamily residences). The CalEEMod default values are able to be modified with project-specific parameters such as proposed land use size, which they were in this case. The most recent site plan uses were not explicitly identified in the MND because they were not prepared until after the MND was circulated; that text has been updated to include a summary of the presently proposed Project land uses. The use of project-specific information does not render the CalEEMod land use inputs invalid. The comment erroneously relies on the upper end of the range of apartment unit sizes as an average in stating that the residential land use size is underestimated.</p> <p>The following table provides a summary of the land use sizes that were input to CalEEMod and the currently proposed land use sizes under the most recent project design. The analysis and MND have been updated to reflect the most recent version of the proposed Project design including the increase in swimming pool size. Furthermore, the total building floor area that was accounted for in the prior analysis was actually greater than the revised land uses, which reflects that the original analysis was conservative in nature. The updated total residential floor area of 226,649 includes both the 259 apartment units and the single 1,570 square foot live/work townhouse. The comment that the land use sizes as input to CalEEMod were incorrect is incorrect, as the square footages reflect the proposed Project design and should be used instead of the CalEEMod defaults. In accordance with the User's Guide for CalEEMod, a reference to the site plan was provided in the remarks on the land use input screen.</p> <table border="1"> <thead> <tr> <th>Land Use Type</th> <th>CalEEMod Land Use</th> <th>Original Square Footage</th> <th>Updated Square Footage</th> </tr> </thead> <tbody> <tr> <td>Apartments</td> <td>Apartments – Midrise</td> <td>228,000</td> <td>225,079</td> </tr> <tr> <td>Live/Work Units</td> <td>Condo/Townhouse</td> <td>1,570</td> <td>1,570</td> </tr> <tr> <td>Retail</td> <td>Strip Mall</td> <td>3,339</td> <td>2,436</td> </tr> <tr> <td>Leasing Office/Amenities</td> <td>General Office</td> <td>4,900</td> <td>5,537</td> </tr> <tr> <td colspan="2">Building Area Subtotal</td> <td>237,809</td> <td>234,622</td> </tr> <tr> <td>Swimming Pool</td> <td>Recreational Swimming Pool</td> <td>3,000</td> <td>3,572</td> </tr> <tr> <td>Interior Green Space</td> <td>City Park</td> <td>14,375</td> <td>14,375</td> </tr> <tr> <td>Subterranean Parking Garage</td> <td>Enclosed Garage w/ Elevator</td> <td>106,000</td> <td>89,810</td> </tr> <tr> <td>Surface Parking Lot</td> <td>Parking Lot</td> <td>80,000</td> <td>64,690</td> </tr> </tbody> </table>	Land Use Type	CalEEMod Land Use	Original Square Footage	Updated Square Footage	Apartments	Apartments – Midrise	228,000	225,079	Live/Work Units	Condo/Townhouse	1,570	1,570	Retail	Strip Mall	3,339	2,436	Leasing Office/Amenities	General Office	4,900	5,537	Building Area Subtotal		237,809	234,622	Swimming Pool	Recreational Swimming Pool	3,000	3,572	Interior Green Space	City Park	14,375	14,375	Subterranean Parking Garage	Enclosed Garage w/ Elevator	106,000	89,810	Surface Parking Lot	Parking Lot	80,000	64,690	Section 4.3, Air Quality; Section 4.8 Greenhouse Gas Emissions; Appendix A; Appendix F
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15	i. The IS/MND relies on an unsubstantiated reduction of land use size.	21	<p>The commenter states an unsubstantiated reduction to the floor surface area of the Project's residential units underestimates the Project's construction and operational emissions.</p> <p>The comment inaccurately states that there was an unsubstantiated reduction to the floor surface area of the residential units. CalEEMod contains broadly average default values (i.e., 1,000 square feet per multifamily residence) that are not project-specific. The model included 228,000 square feet of apartment space in addition to the live/work unit (modeled as a condo/townhouse). These values were based on the contemporaneous proposed Project design and site plan at the time the analysis was conducted. The CalEEMod User's Guide states that, "CalEEMod was... designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA." The substantial evidence in this case is the architectural design of the proposed Project. Furthermore, new site plans were prepared that determined the proposed apartment floor area would be approximately 226,649 square feet, which includes the live/work unit. The analysis and MND have been updated to reflect the most recent version of the proposed Project design including the increase in swimming pool size. Furthermore, the total building floor area that was accounted for in the prior analysis was actually greater than the revised land uses, which reflects that the original analysis was conservative in nature. The modeling has been updated to reflect current project design, but the comment is incorrect in asserting that emissions were underestimated based on the use of proposed Project-specific input parameters. Project-specific information is preferred where available.</p>	N/A																																								

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16	<i>ii. The IS/MND relies on unsubstantiated reductions to architectural and area coating emission factors.</i>	21-22	The commenter states the architectural and area coating emission factors used in CalEEMod were reduced from the default. The CalEEMod default values for building envelope coatings were modified based on the SCAQMD Rule 1113 effective January 1, 2019. All building envelope coatings must comply with SCAQMD Rule 1113 that includes a VOC content limit of 50 g/L for all new construction. The comment claims that the changes to the default data were not justified in the IS/MND. However, the CalEEMod User’s Guide states that, “If the user chooses to modify any defaults, an explanation will be required in the Remarks box found at the bottom of the screen to justify and support the modification.” In accordance with the CalEEMod User’s Guide, the acknowledgement of SCAQMD code compliance is sufficient justification for the modification to the default value. Language identifying compliance with SCAQMD Rule 1113 has been added to the IS/MND.	N/A
17	<i>iii. The IS/MND relies on an unsubstantiated reduction to gas fireplace values.</i>	22	The commenter states that the model default values for fireplaces were altered without justification, and that the area source operational emissions should account for the outdoor fireplace located in the courtyard. The proposed Project design does not include any hearths or fireplaces within the residential units. The CalEEMod analysis was updated to account for a single outdoor fireplace.	N/A
18	<i>iv. The IS/MND relies on incorrect CO2 intensity factors.</i>	22-23	The commenter states the CO2 intensity factors were insufficiently reduced and underestimates the Project’s GHG emissions. The comment refers to the 2020 Power Content Label (PCL) for the Rancho Cucamonga Municipal Utility (RCMU), which was not publicly available at the time of IS/MND preparation. After conferring with RCMU engineering department to obtain and review the 2020 PCL, it was determined that the 630 lbCO ₂ e/MWh factor included on the 2020 PCL only referred to electricity supplied by “unspecified sources within the RCMU power mix.” However, as a conservative approach, revised modeling was prepared incorporating the 630 lbCO ₂ e/MWh factor for the entirety of proposed Project’s electricity use. This value is very conservative (because it overestimates CO2 emissions) given that the renewable portion of the power mix is anticipated to increase between 2020 and 2024 when the proposed Project is operational.	N/A
19	<i>v. The IS/MND fails to model all required parking.</i>	23	The commenter states CalEEMod should include the entire amount of required parking (not just the reduction) to conduct the most conservative analysis. Parking included in the CalEEMod analysis is based on current project design, which is consistent with present industry standards for conducting such modeling. No change is warranted. Further, it is noted that parking was removed from the CEQA Guidelines and the adequacy of parking is no longer an impact criteria under CEQA. As such, whether the project provides sufficient parking is not a consideration regarding the adequacy of the Project’s CEQA document.	N/A
20	<i>vi. The IS/MND relies on incorrect solid waste generation rates.</i>	24	The commenter states the Project’s total solid waste generation rates are grossly underestimated resulting in underestimated operational GHG emissions. The original analysis that was incorporated into the MND relied on the CalEEMod default waste generation factors. After conferring with the project team, solid waste generation rates were updated in CalEEMod to be consistent with the analysis disclosed in the <i>Environmental Information Form – Initial Study Part I</i> for the proposed Project based on the Project’s current design as permitted.	N/A
21	<i>vii. The IS/MND relies on the use of underestimated operational vehicle fleet mix percentages.</i>	24	The commenter states the operational vehicle fleet mix percentages were underestimated resulting in lower Project operational emissions. The traffic analysis for the proposed project modeled daily vehicle trips associated with the residential uses and commercial retail space. Residential uses are not generators of heavy duty truck trips. The default fleet mix for San Bernardino County includes approximately 6.5% heavy-heavy duty trucks and 2% medium-heavy duty trucks. This is the countywide average fleet mix for all vehicle travel and does not accurately describe the vehicle trips that would be generated by the proposed Project residential uses. The residential use fleet mix was modified to omit heavy-heavy and medium-heavy duty trucks as well as buses and motorhomes, as these vehicles would not be used by residents of the Project for routine commuting and other daily regional trips. The commercial retail fleet mix was left unchanged from the CalEEMod default mix for San Bernardino County to reflect vendor deliveries to the shops that would occur as part of standard operations. A note has been added to the CalEEMod Remarks section and the IS/MND to acknowledge this change. No further changes to the analysis are warranted.	N/A
22	<i>viii. The IS/MND relies on unsubstantiated reductions to off-road equipment horsepower values</i>	25	The commenter states the default off-road construction equipment horsepower values were changed resulting in lower Project construction-related emissions. Horsepower values were based on construction equipment inventory information provided by the Applicant. Changes to CalEEMod default values with information specific to the proposed Project are justified in the corresponding Remarks sections of the model output and a summary of project-specific information has been added to the MND. No change to the analysis is warranted.	N/A
23	<i>ix. The IS/MND relies on the incorrect application of construction-related mitigation measures</i>	25	The commenter states that there is no justification for the application of the “Water Exposed Area” selection in the CalEEMod analysis and asserts that the selection was made as a “Construction Off-Road Equipment Mitigation.” The comment suggests that the Project’s construction emissions may be underestimated by artificially reducing emissions. Also, the comment states that because mitigation is not identified this alteration to the CalEEMod analysis qualifies as a design feature that cannot be reliably monitored or enforced. The comment reflects a fundamental misunderstanding of how the CalEEMod program estimates project emissions and accounts for reductions associated with code compliance versus explicitly identified mitigation measures, and makes inaccurate claims based on its flawed reasoning. Compliance with SCAQMD Rule 403 for Fugitive Dust control includes a best management practice related to daily watering activities of disturbed ground areas and material stockpiles. Research conducted by the SCAQMD determined that watering for fugitive dust control reduces emissions by approximately 61 percent. Compliance with SCAQMD Rule 403 is adequate	N/A

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			<p>justification of the selection of watering as a baseline best management practice within CalEEMod that is a standard condition of approval that will be imposed by the City.</p> <p>The adopted EIR for PlanRC 2040, the City’s General Plan update, notes that “[a]ll projects are subject to South Coast AQMD rules and regulations in effect at the time of activity, including: . . . Rule 403, Fugitive Dust.” Accordingly, the City’s Standard Conditions of Approval relating to Air Quality include: “5.3-3: The City shall ensure that discretionary development that will generate fugitive dust emissions during construction activities will, to the extent feasible, incorporate BMPs that exceed South Coast AQMD’s Rule 403 requirements to reduce emissions to be less than applicable thresholds” (General Plan EIR, pp. 5.3-13 to 5.3-15.)</p> <p>The comment is also inaccurate in suggesting that code compliance is a project design feature just because it is not identified as a mitigation measure. This claim represents a fundamental misunderstanding of the standard industry practices related to compliance with SCAQMD Rules and Regulations as they apply to land use development projects.</p> <p>Furthermore, the comment inaccurately identifies code compliance as a mitigation measure, when in actuality the construction best management practices are standards and not included to mitigate a potentially significant impact. Code compliance is not mitigation, and no mitigation measures were identified to reduce on-site fugitive dust emissions as the regional and localized thresholds were not exceeded. The CalEEMod analysis in no way underestimates fugitive dust emissions by selecting a minimization measure related to code compliance. In contrast, daily pollutant emissions are likely conservative as disclosed in the MND due to the intermittent use of ground disturbing equipment in practicality. No change is warranted based on the incorrect suggestion that employing standard best management practices in compliance with SCAQMD regulations qualifies as a mitigation measure. Indeed, Courts have upheld CEQA documents that required specific "best management practices" to be implemented as part of a plan. <i>Endangered Habitats League, Inc. v. County of Orange</i> (2005) 131 Cal.App.4th 777, 794.</p>	
24	x. The IS/MND relies on the incorrect application of operational mitigation measures.	25-26	<p>The commenter states operational design features related to energy and water should be included as mitigation measures. Sustainable Design Features of the IS/MND which identifies the energy efficiency elements that would be included as part of the Project design. These Sustainable Design Features are referenced where applicable within the Energy analysis. The Project’s compliance with 2019 Title 24 energy efficiency standards for residential buildings is included within the <u>Greenhouse Gas Emissions analysis (see Section 1.5.1.4)</u>. These components are integral to the proposed building composition and Project design and would not be considered mitigation and should not be included as part of the Mitigation Monitoring and Reporting Program. These sustainable design features are accounted for in the proposed design for the project, not implemented after the fact in order to reduce or mitigate an identified environmental impact. They are analyzed as such in the impact analysis of the IS/MND – <i>i.e.</i>, the impact conclusions take into account environmental protection afforded by these design features. As such, they are appropriately identified in the IS/MND as Sustainable Design Features and are not project mitigation. No changes to the original operational impact determination of Less Than Significant for impacts on air quality have been made.</p>	N/A
25	D. An Updated Air Model Analysis Is Needed to Determine Whether the Project Will Have a Significant Air Quality Impact.	26	<p>The commenter states that the IS/MND’s air model analysis does not provide summer and winter CalEEMod output files, and therefore the analysis should not be relied upon. This comment references the impact assessment in Section 4.3, pages 4-8 through 4-11 of the Draft IS/MND.</p> <p>The comment is baseless in its assertion that the analysis is unreliable because only a Winter daily emissions CalEEMod output file was provided in the supporting documentation. The MND presents the maximum daily emissions of the six regulated pollutants for which the SCAQMD has established regional thresholds. The differences between Summer and Winter emissions are marginal and do not change the conclusions of the analyses. Summer and winter output files have been provided with the revised analysis. Maximum daily emissions during both summer and winter construction remain below the regional SCAQMD thresholds for all pollutants. The commenter’s claim that the analysis is unreliable is unsubstantiated and reflects a lack of understanding of air quality assessments under CEQA. As a consequence, this comment relies on speculation and provides no substantial evidence in proposing that an updated air model analysis is needed to address the differences between summer and winter outputs (the opposite is true for the reasons detailed above). Since CEQA does not permit a finding to rest on speculation, this comment raises no evidence of a significant impact. See CEQA Guidelines Section 15145.</p>	Section 4.3, pages 4-8 through 4-11
26	E. The IS/MND Fails to Adequately Evaluate Health Risks from Diesel Particulate Matter Emissions.	26-28	<p>The commenter recommends that the applicant prepare a construction and operational health risk analysis (HRA) in order to address the Project’s potential to emit diesel particulate matter and in quantities that would pose a risk to human health. The commenter also suggests that the Draft IS/MND should establish a delineation of potential health impact associated with diesel particulate emissions.</p> <p>As a preliminary matter, policies set by CARB (the agency that regulates air quality in this air basin) do not require applicants to prepare an operational HRA for residential land use development projects. Operation of the proposed Project would not involve any mobile or stationary sources of substantial toxic air contaminant emissions. The CARB has identified the following types of land uses that generate substantial TAC emissions during operational activities:</p> <ul style="list-style-type: none"> • Distribution centers • Rail yards • Ports • Refineries • Chrome platers • Dry cleaners using perchloroethylene • Gasoline dispensing facilities 	Section 4.3, pages 4-11 through 4-12

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			<p>The proposed project would not introduce a new substantial source of TAC emission during future operations. The commenter did not provide any substantive evidence to support the claim that operation of the proposed project could generate substantial emissions of pollutants that would pose public health concerns warranting an HRA.</p> <p>Exhibit C to the comment letter (at p. 18) makes an unsubstantiated assertion that operation of the proposed project would generate approximately 86 pounds per year of DPM. This value was apparently derived from the annual operational CalEEMod output file that included an estimate of approximately “0.0429 tons/yr” of “Exhaust PM₁₀.” The commenter inappropriately assumes that all of the PM₁₀ emissions during operations would be generated by diesel sources, when in reality only a small fraction would be diesel PM and a vast majority would not be produced by diesel fuel combustion. The claim is patently false and a completely inaccurate representation of project emissions. Operational PM₁₀ emissions in the CalEEMod output file are predominantly from non-diesel sources (i.e., residential vehicle trips). This error made by the commenter displays a misunderstanding of the CalEEMod emissions model and is completely wrong in its assertions.</p> <p>Despite the fact that preparation of an operational HRA is not standard practice for residential land use development projects, regarding emissions that would be generated during construction of the proposed project, an inhalation-pathway health risk assessment (HRA) was conducted to analyze potential exposures to diesel particulate matter (diesel PM) concentrations during construction activities. The HRA was prepared in accordance with the 2015 Office of Environmental Health Hazard Assessment (OEHHA) HRA guidelines. The HRA determined that emissions of diesel particulate matter generated by construction equipment would not produce ground-level concentrations at sensitive receptor locations that would pose potential health concerns related to toxic air contaminants and would not exceed the SCAQMD carcinogenic risk threshold.</p> <p>It should be noted that the HRA modeling took into account the implementation of Tier 4 engines, which Project contractors would be required to use in compliance with the City’s General Plan EIR as a standard condition of approval. This use of Tier 4 engines is included both in the revised project description and as a Best Management Practice in the Air Quality analysis of the updated Draft IS/MND.</p> <p>While this was always understood to be part of the Project design and construction equipment schedule, further analysis has been added to the Project Description that makes it explicit that this is a standard practice for the project, will be required by the City pursuant to the Project’s conditions of approval and in accordance with the General Plan Update EIR (adopted on December 15, 2021), and can be implemented by the Project’s contractors. As such, the Air Quality impact analysis of the IS/MND takes into account the environmental protection afforded by the use of this equipment, including the supplemental construction HRA that has been prepared by TAHA.</p> <p>As reflected in the IS/MND, the City will enforce the requirement that the Project implement Tier 4 equipment through the following Project condition of approval: “Require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards for equipment during construction of the Proposed Project. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit’s certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.” This condition is consistent with the City’s General Plan Update EIR (adopted on December 15, 2021) which states that standard conditions of approval for future projects will include a condition that future projects “that would generate construction-related emissions that exceed applicable thresholds” will include mitigation measures such as requiring use of construction equipment rated to tier 3 or tier 4 standards. (See, City of Rancho Cucamonga General Plan Update EIR, Section 5.3 [Air Quality], Standard Conditions of Approval, pp. 5.3-13 to 5.3-14.) In anticipation of this requirement, Wood Partners has confirmed with the relevant Project subcontractors that Tier 4 equipment is available and will be utilized during Project construction.</p> <p>The commenter suggests that conducting the recommended HRA would reveal additional potentially significant impacts to human health, specifically regarding sensitive receptors and toxic air contaminants (TACs). The commenter references Section 4.3, pages 4-11 through 4-12 of the IS/MND. The results of the HRA prepared by applicant shows the opposite is true. The comment’s assertion is based on underlying analysis conducted independently in CalEEMod that did not rely on project-specific construction schedule and equipment inventory information.</p>	
27	F. There is Substantial Evidence that the Project May have a Significant Health Risk Impact	28-29	<p>Refer to response to Comment 26. In response to this comment letter and in order to provide the most conservative analysis, a construction HRA was prepared for the Project that determined emissions of diesel particulate matter would not result in possible sensitive receptor exposures that would exceed the SCAQMD carcinogenic risk threshold. The HRA that was prepared by the commenter’s expert relied on construction schedule and equipment inventory information that did not accurately reflect what is anticipated and analyzed for the proposed project. The assertion regarding operational DPM emissions is incorrect and mischaracterizes how CalEEMod estimates emissions.</p>	Section 4.3, pages 4-11 through 4-12
28	G. The IS/MND Failed to Adequately Analyze Greenhouse Gas Impacts and Thus the Project May Result in Significant Greenhouse Gas Emissions.	29-30	<p>The commenter challenges the methods used to estimate the Project’s GHG emissions, which in turn determined that the Project would have a less than significant impact on GHG emissions and would not exceed SCAQMD thresholds. The commenter suggests that the air model used to make these estimates and determinations was a flawed model, which is a reiteration of Comment 2, contained within the comment letter on pages 21-22. This comment references Section 4.8 (Greenhouse Gas Emissions), pages 4-29 and 4-30 of the IS/MND as well as Appendix F of the IS/MND.</p> <p>See responses to Comment 14 and Comment 15, above. The project land uses have been updated to the current project design and site plan. The CalEEMod analysis was updated with the land use parameters. Emissions remain below the SCAQMD interim screening threshold that the City is planning on adopting.</p>	Section 4.8, pages 4-29 and 4-30; Appendix F

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			<p>The commenter states that the SCAQMD thresholds for GHG are outdated and recommends that GHG analysis use the SCAQMD 2035 efficiency target and include mitigation measures in Section 4.8 of the IS/MND in order to reduce impacts to less than significant.</p> <p>The City as lead agency has determined that a threshold of significance of 3,000 MTCO₂e for GHG emissions is appropriate for the proposed Project. The City based its threshold on the GHG threshold for mixed use and non-industrial projects recommended by SCAQMD, an expert agency with primary authority over air pollutants including GHG in the project area. This SCAQMD threshold was developed based on substantial evidence following the methodology established by the California Air Pollution Control Officer's Association (CAPCOA) of establishing a target of a 90 percent capture rate of emissions that would require further analysis, "while setting the emission threshold high enough to exclude small development projects that will contribute a relatively small fraction of the cumulative statewide emissions" (CAPCOA, 2008). Reliance upon the draft interim SCAQMD threshold is supported on the scientific basis of achieving an 80 percent reduction below 1990 GHG emissions levels by 2050 in accordance with Executive Order S-3-05, which was used by SCAQMD staff in proposing the draft interim threshold consistent with the CAPCOA analysis.</p> <p>The commenter states that the GHG analysis of the IS/MND did not include performance-based standards under the California Air Resource Board's (CARB's) Scoping Plan or the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and as such, the impact determinations are inaccurate. Reliance upon the draft interim screening threshold for GHG emissions precludes any further quantitative analysis of GHG emissions. The threshold value was determined based on California Air Pollution Control Officer's Association (CAPCOA) research that established a target of capturing 90 percent of GHG emissions above the screening threshold and excluding smaller projects from further analysis and potential mitigation. This target capture rate was derived in consideration of the Executive Order S-3-05 objective of reducing statewide GHG emissions to 80 percent below 1990 levels by 2050.</p> <p>Furthermore, the proposed Project was screened from a VMT analysis as set forth in the Transportation (4.17) section of the MND for the following reasons:</p> <ul style="list-style-type: none"> • Project is located within a half-mile of high quality transit: Omnitrans Route 66 alignment providing 15-minute peak hour headways is within a half-mile. • Project has a Floor Area Ratio equal to or greater than 0.75 (proposed Project is greater than 1.0). • Project shall not supply more parking than required by City Code: proposed Project includes parking reduction of 10% consistent with City code. • Project is consistent with RTP/SCS land use assumptions: proposed Project includes 260 multifamily units, Connect SoCal 2020 RTP/SCS forecasts approximately 9,600 additional housing units in the City, of which approximately 5,184 will be multifamily. The proposed Project would not introduce a disproportionate amount of growth that would result in SCAG assumptions being rendered invalid. • Project would not replace affordable housing units with market-rate housing units: The site is currently vacant; no affordable units would be displaced. <p>The proposed Project is consistent with SCAG forecast assumptions and is exempt from a VMT analysis, and therefore no further performance-based analysis is warranted.</p>	
29	H. There is Substantial Evidence of a Fair Argument that the Project Will Have Significant Noise Impact.	30-31	<p>The commenter asserts that construction noise would be significant even with mitigation. The commenter is directed to Section 4.13, Noise on pages 4-46 through 4-53 of the IS/MND. Future noise levels were predicted for the future year 2023 with project traffic. The analysis also includes consideration of stationary sources (HVAC, parking etc.). Page 4-50 discusses the incremental reduction in construction noise levels with the implementation of each of the six mitigation measures (Mitigation Measures N-1 through N-6), and Table 4.13-4 shows the total combined noise reduction for construction at off-site receptors to below the 65 dBA residential thresholds and the 70 dBA commercial use threshold. As such, the construction noise analysis is adequate and the application of mitigation measures to get below the threshold is substantiated by the example mitigation for temporary noise barriers (i.e., temporary noise barriers produced by Echo Barriers are listed as capable of reducing noise by 10 to 20 dBA [Acoustical Surfaces, Inc. Echo Barrier, available at acousticalsurfaces.com]) which was cited and included in Appendix H.</p>	Section 4.13, Noise; Appendix H
30	Conclusion	31	<p>This comment states the IS/MND should be withdrawn and an EIR prepared and circulated for public review. As discussed in the above responses to comments, no presentation has been made of substantial evidence of a fair argument that the Project would cause a significant impact not evaluated and proposed to be mitigated to less than significant in the IS/MND, and the IS/MND has been revised to clarify the project description, impact discussions and mitigation measures. Since no new significant environmental impacts would result from the Project and no new mitigation is proposed, an EIR is not required.</p>	N/A
31	Exhibit A	32-51	<p>The commenter includes an indoor air quality analysis comparison as an attachment to their comment letter. This comment is noted for the record and no further response to this comment is required.</p>	N/A
32	Exhibit B	52-81	<p>The commenter includes a biological resources analysis as an attachment to their comment letter. This comment is noted for the record and no further response to this comment is required.</p>	N/A
33	Exhibit C	82-337	<p>The commenter includes an air quality analysis, GHG, and health risk analysis as an attachment to their comment letter. This comment is noted for the record and no further response to this comment is required.</p>	N/A