

APPENDIX C
COMMENT LETTERS RECEIVED ON THE NOP



STATE OF CALIFORNIA
 Governor's Office of Planning and Research
 State Clearinghouse and Planning Unit



Arnold
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Sean Walsh
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RECEIVED

Notice of Preparation

April 18, 2006

APR 24 2006

City of Yucaipa
 PLANNING DIVISION

To: Reviewing Agencies
 Re: Yucaipa Freeway Corridor Specific Plan
 SCH# 2006041096

Attached for your review and comment is the Notice of Preparation (NOP) for the Yucaipa Freeway Corridor Specific Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

John McMains
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
 Project Analyst, State Clearinghouse

Attachments
 cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006041096
Project Title Yucaipa Freeway Corridor Specific Plan
Lead Agency Yucaipa, City of

Type NOP Notice of Preparation
Description The Yucaipa Freeway Corridor Specific Plan is a land use, policy and regulatory document to guide the development of the 1,234-acre Yucaipa Freeway Corridor Specific Plan area in the City of Yucaipa. Designated land uses in the Specific Plan include Residential, Community Commercial, Regional Commercial, Business Park, Public Facilities and Open Space.

Lead Agency Contact

Name John McMains
Agency City of Yucaipa
Phone (909) 797-2489 **Fax**
email
Address 34272 Yucaipa Boulevard
City Yucaipa **State** CA **Zip** 92399

Project Location

County San Bernardino
City Yucaipa
Region
Cross Streets Project area is bisected by Interstate 10 & abuts the Riverside County line to the south
Parcel No.
Township 2S **Range** 2W **Section** 10,11. **Base** Yucaipa

Proximity to:

Highways I-10
Airports
Railways
Waterways Wildwood Creek, Wilson Creek, Yucaipa Creek
Schools One (1) Jr. High and One (1) High School
Land Use Land Use and Zoning Designation is Planned Development (PD)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 6; Department of Health Services; Native American Heritage Commission; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 8; State Water Resources Control Board, Clean Water Program; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 8; Resources Agency

Date Received 04/17/2006 **Start of Review** 04/17/2006 **End of Review** 05/16/2006

P Distribution List

County: San Bernardino

SCH#

- Resources Agency
- Fish & Game Region 3**
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- Resources Agency**
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- Fish & Game Region 4**
Mike Mulligan
- Fish & Game Region 5**
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6**
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- Fish & Game Region 6 I/IM**
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Inyo/Mono, Habitat Conservation Program
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Marine Region
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- Food & Agriculture**
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- Caltrans, District 3**
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- Dept. of Transportation**
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- State Water Resources Control Board**
Jim Hockenberry
Division of Financial Assistance
- State Water Resources Control Board**
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board**
Steven Herrera
Division of Water Rights
- Dept. of Toxic Substances Control**
CEQA Tracking Center
- Department of Pesticide Regulation**
- Caltrans, District 8**
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- Caltrans, District 9**
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- State Water Resources Control Board**
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Division of Water Rights
- Dept. of Toxic Substances Control**
CEQA Tracking Center
- Department of Pesticide Regulation**

- Regional Water Quality Control Board (RWQCB)**
- RWQCB 1**
Cathleen Hudson
North Coast Region (1)
- RWQCB 2**
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3**
Central Coast Region (3)
- RWQCB 4**
Jonathan Bishop
Los Angeles Region (4)
- RWQCB 5S**
Central Valley Region (5)
- RWQCB 5F**
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R**
Central Valley Region (5)
Reading Branch Office
- RWQCB 6**
Lahontan Region (6)
- RWQCB 6V**
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7**
Colorado River Basin Region (7)
- RWQCB 8**
Santa Ana Region (8)
- RWQCB 9**
San Diego Region (9)
- Other**



South Coast
Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

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APR 24 2006

City of Yucaipa
PLANNING DIVISION

April 20, 2006

Mr. John McMains
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399-9950

Dear Mr. McMains:

**Notice of Preparation of a Draft Environmental Impact Report for
Yucaipa Freeway Corridor Specific Plan**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. In addition, please send with the Draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the SCAQMD Website at: www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

Consistent with the SCAQMD's environmental justice enhancement I-4, in October 2003, the SCAQMD Governing Board adopted a methodology for calculating localized air quality impacts and localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis

by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

It is recommended that lead agencies for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles, perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA webpages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

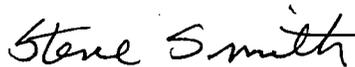
In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

SBC060418-09LI
Control Number



City Of Calimesa

April 27, 2006

John McMains
Director of Community Development
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT FOR YUCAIPA FREEWAY CORRIDOR
SPECIFIC PLAN**

Dear Mr. McMains:

Thank you for the opportunity to review the Notice of Preparation of an Environmental Impact Report for the Yucaipa Freeway Corridor Specific Plan.

Please forward a paper copy of the draft Environmental Impact Report when it is available to the following contact person for the City of Calimesa:

Gabriel Elliott
City of Calimesa
908 Park Avenue
Calimesa, CA 92320

Sincerely,

Gabriel Elliott
Planning Manager

cc: Anne Schneider, City Engineer
Karen Peterson, Senior Planner

State of California—Health and Human Services Agency
Department of Health Services



California
Department of
Health Services

SANDRA SHEWRY
Director



ARNOLD SCHWARZENEGGER
Governor

April 26, 2006

John McMains
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399

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MAY 01 2006

City of Yucaipa
PLANNING DIVISION

RE: Yucaipa Freeway Corridor Specific Plan, SCH# 2006041096

The California Department of Health Services (CDHS) is in receipt of the Notice of Preparation for the above project. As a “responsible agency” pursuant to the California Environmental Policy Act (CEQA), we appreciate the opportunity to comment.

On page 32 of the Initial Study, the document states that the implementation of the Specific Plan may also result in the need for the construction or expansion of existing water and wastewater facilities to ensure that sufficient supplies, capacity and service levels are maintained.

When the City of Yucaipa plans to develop a new water supply well, build a treatment plant or make changes to an existing water treatment plant to meet drinking water standards, an application to amend the city’s water system permit must be reviewed and approved by the CDHS San Bernardino District Office. These future development and future infrastructure improvements may be subject to separate environmental review pursuant to the requirements of CEQA as a result of this permitting process.

Please contact the office at (909) 383-4328 for further information.

Sincerely,

Veronica L. Malloy
California Department of Health Services
Environmental Review Unit

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JUN 12 2006

Cc: Sean McCarthy, District Engineer – CDHS San Bernardino Office

May 11, 2006

VIA E-MAIL AND U.S. MAIL

Mr. John McMains
Director of Community Development
34272 Yucaipa Boulevard
Yucaipa, CA 92399

Re: Freeway Corridor Specific Plan Scoping Comments

Dear John:

Ken and Sandy Robinson and the Robinson entities (the "Robinsons"), owners of approximately one-half of the property in the Freeway Corridor Specific Plan, appreciate this opportunity to submit these comments on the scope of the proposed Environmental Impact Report ("EIR").

TRAFFIC/CIRCULATION

1. In District 1, the EIR should evaluate the impact of providing access solely from Calimesa Boulevard on fire safety, circulation and traffic safety, with no secondary access to Oak Glen. In particular, the EIR should consider fire safety access requirements and the benefits of a second access point to reduce pressure on the Oak Glen/Calimesa intersection. Interested retailers have already advised the Robinsons that a second or "back door" access is required for marketability, but it has important environmental implications as well. If the secondary access is not included in the Project, it should be evaluated as a mitigation measure and/or an alternative. Nothing in the Hillside Ordinance prohibits grading within hilly areas, so there is no inconsistency between secondary access and compliance with the Hillside Ordinance.

2. In District 1, the EIR should recognize the future realignment of Calimesa Boulevard as part of the environmental baseline, including grading of the northeast corner of Calimesa Boulevard and Oak Glen Road. As you know, the City has an independent obligation to complete the realignment and grading that is unrelated to the Specific Plan. As such, it is not properly part of the project, but is part of the existing condition.

3. The EIR should clarify that roads and land uses within all Districts are subject to adjustment during the design phase. For instance, in District 2, internal circulation is provided by a horseshoe road that traverses proposed open space. Without final design, it is

impossible to predict whether construction will require realignment of the horseshoe road and related intersections. Especially when the Specific Plan is being prepared by the City, over the objections of the property owners, it is crucial that enough flexibility be built in to permit actual development.

4. In District 3, the regional commercial area will not be easily accessible to the residential areas in District 4 or to the planned Wildwood Canyon interchange. The EIR should consider whether adding a service road parallel to the I-10 or other alternate road configurations would decrease traffic through the Live Oak Canyon/Oak Glen/I-10 and Oak Glen/Calimesa intersections and increase traffic safety.

5. The EIR should acknowledge that the location of interior streets is largely conceptual, with the final alignments to be determined at the design phase. For instance, in District 4, the proposed road through the commercial area impacts a water well at County Line Road. The proposed road locations in District 4 raise a number of environmental issues that can be mitigated through revisions to the design.

6. The impacts of locating roads through proposed open space should be considered, including grading. At the same time, it does not appear to be physically possible to access residential areas in Districts 2 and 3 without crossing planned natural open space. Safety considerations, therefore, require construction within open space. The EIR should address these impacts.

LAND USE

6. The EIR should clarify whether the land use bubbles in all four Districts are intended to be conceptual, with final boundaries determined at the design phase. If not, the EIR will need to consider potential conflict between the proposed development boundaries and construction needs, including grading, balance, paving and access.

7. At the scoping meeting, you and Sam Gennawey both assured us that the EIR will consider different densities and development layouts as alternatives, including higher densities similar to those in "Plan C" recommended by the Ad Hoc Specific Plan Committee. The land use plan preferred by the City Council assigns significantly higher residential densities to District 3, without any apparent justification in either topography or location. The EIR should evaluate the environmental impacts of increasing densities in Districts 1, 2 and 4 to a level consistent with District 3, in accordance with the City's stated intention of applying land use policies even-handedly.

8. The EIR should evaluate the consistency of the preferred plan with state law and the adopted Housing Element, including repeated statements that the bulk of future housing in the City, including affordable housing, would be accommodated in the existing PD zones, which allows housing up to 8 units per acre. As you know, the City's Housing Element has been out of compliance since it was adopted and the proposed Specific Plan appears to

increase the inconsistency. In letters to the City, HCD expressed concern that housing densities of 8 units per acre were inadequate to meet the need for affordable housing. According to the Mayor's statements, the City is only willing to consider densities over 4 units per acre in gated communities, which are unlikely to meet affordability targets.

9. To the extent that the City's Hillside Ordinance is responsible for the proposed reductions in density from the existing PD zones, the EIR should consider its consistency with CEQA's limitations on housing density reductions. For instance, in this case, open space set-asides can be accomplished through clustering, without any reduction in net densities. Instead, the City appears to have demanded large set-asides at the same time it dramatically reduced residential densities in the remaining development areas.

10. The EIR should consider the consistency of the preferred plan with the economic development and fiscal goals of the General Plan, especially those identifying the I-10 corridor as the City's best opportunity to capture sales tax leakage and other economic benefits.

11. The EIR should consider alternative locations for the school site in Districts 2, 3 and 4, considering its proximity to future residences, bus access and auto access. The Robinsons agree with the City's proposed location of a school site in District 3 because of its central location and proximity to existing roads/interchange. It is suspected that District 3 will also prove to be superior when phasing is taken into account, especially with respect to construction of future access roads such as the Wildwood Canyon Interchange which is not expected to occur in District 4 until 2020 or later.

12. The EIR should consider the pending affordable housing applications as alternatives to the preferred plan in Districts 1, 2 and 4. As you know, one of the functions of alternatives under CEQA is to reduce significant project impacts. In that the preferred plan would have a significant adverse impact on the ability of the City to provide affordable housing opportunities, at least one alternative should look at maintaining the current PD capacity for affordable housing.

OPEN SPACE

12. The EIR should consider the impacts of increasing the size of the development area in District 1, as required for economically feasible development, keeping in mind that the property is currently not open to the public and would remain in private hands with no public access under the Hillside Ordinance.

13. There does not seem to be any reason to include artificially created slopes, trenches or vertically eroded drainage corridors as "hills" for the purposes of the Hillside Ordinance. While interpretation of the Hillside Ordinance may not be an EIR issue, the impact of classifying these areas as slopes to be included in calculations to determine required natural open space should be considered.

Mr. John McMains
May 11, 2006
Page 4

FISCAL IMPACT

13. We understand that the City will prepare a fiscal impact analysis in connection with approval of the Specific Plan. It appears that the analysis will be included in the EIR. The fiscal impact analysis should consider the analysis prepared as part of the General Plan which concludes that higher density development has a more positive impact on City finances than lower density developments.

The Robinsons look forward to reviewing the technical reports and appendices as they become available, and to commenting on future versions of the Specific Plan and EIR..

Very truly yours,

Cox, Castle & Nicholson LLP



Deborah M. Rosenthal, AICP

DMR/mlp

cc: Mr. Kenneth Robinson
Mrs. Sandy Robinson
Mr. Sam Gennawey

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YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT

"To Make a Difference in the Life of Each Child"



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12797 Third Street
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www.yciusd.k12.ca.us

May 15, 2006

John McMains
Director of Community Development
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399-9950

Re: **Notice of Preparation of Draft Environmental Impact Report
Yucaipa Freeway Corridor Specific Plan**

Dear Mr. McMains:

The Yucaipa-Calimesa Joint Unified School District ("District") appreciates the opportunity to provide the following comments with respect to the Notice of Preparation ("NOP") of an Environmental Impact Report ("EIR") for the above-referenced Project. The Project described in the NOP is generally bounded by the Riverside County line on the south, the City of Redlands on the west, Oak Glen Road and Cienega Drive on the north, and Interstate 10 on the east. The proposed Project consists of a long-term land use planning document for development of the 1,234-acre Specific Plan area.

The District has an obligation to serve students generated in the Project area. As discussed in greater detail in our August 9, 2005 correspondence regarding scoping for the Project, a copy of which is attached for your reference, the District's School Facilities Master Plan finds student generation factors as follows:

<u>School Level</u>	<u>Single Family Detached Units</u>	<u>Multi-Family Attached Units</u>
Elementary (K-6)	.3263	.2206
Middle School (7 & 8)	.1090	.0621
High School (9-12)	.1714	.0906
Total	.6067	.3733

While the District's existing facilities can accommodate students generated by up to 250 new single family residences west of Interstate 10, the District anticipates that it will need one 13-acre elementary school site in the event development exceeds 250 single family units. In the event development exceeds 1,500 single family units, the District will need two 13-acre elementary school sites. Finally, in the event development exceeds 3,500 single family units, the District will need two 13-acre elementary school sites and one 21-acre middle school site.

The District's August 9, 2005 correspondence indicates that the District's preferred location for a new elementary school site in the Project area is the area northwest of Live Oak Canyon and south of Highview Drive and 17th Street.

*Sent Certified Mail to Mr. McMains
Article # 7005 1820 0005 7462 9963*

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MAY 16 2006

City of Yucaipa
PLANNING DEPARTMENT

John McMains
May 5, 2006
Page 2 of 2

The Initials Study provided with NOP discloses that the Project is expected to result in development of up to 1,409 dwelling units in the Project area. Thus, at least one new elementary school will be necessary to serve students generated by the Project.

The figure included with the NOP depicting the distribution of proposed land use designations does not include a school site, or public facilities of any kind. The area preferred by the District for a new elementary school is designated in the NOP as a combination of open space, R-2 residential, and business park zones.

The District requests that the draft EIR clearly and specifically identify the locations of proposed public facilities, including school sites. The EIR should also address the school site hazard mitigation measures set forth in Sections 14001-14011 of Title 5 of the California Code of Regulations and Education Code sections 17210-17217.

Title 5 places considerable restrictions related to the suitability of proposed school sites. The restrictions include limits on the placement of school sites near pipelines, power lines, earthquake faults, railroad easements, and above-ground water or fuel storage tanks. Education Code section 17213 et seq. provides further restrictions and effectively forbids the placement of school sites within one-fourth of a mile of a current or former hazardous waste site or a source of hazardous air emissions. In addition, a school site boundary may not be within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

The Project appears likely to contribute to the urbanization of the area. The draft EIR should include analysis of all foreseeable cumulative impacts associated with the Project, as well as related and unrelated development in the area. The draft EIR should include evaluation of a range of project alternatives that may achieve the Project's goals with more limited impacts.

CONCLUSION

The District looks forward to reviewing the draft EIR for the Project. Pursuant to Public Resources Code section 21092.2, the District requests that the City of Yucaipa, as lead agency, provide to the District copies of all notices prepared pursuant to CEQA relative to the Project. All notices should be sent to the attention of Ted Alejandre, Assistant Superintendent of Business Services.

Sincerely,



Ted Alejandre
Assistant Superintendent, Business Services

TA:ddt



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

May 16, 2006

RECEIVED

MAY 22 2006

City of Yucaipa
PLANNING DIVISION

John McMains, Director
Yucaipa Community Development
34272 Yucaipa Boulevard
Yucaipa, CA 92399

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Yucaipa Freeway Corridor Specific Plan **SCH# 2006041096**

Dear Mr. McMains:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOP and offers the following recommendations for the DEIR with respect to the project's potential impacts on agricultural land.

The proposed project involves adoption and implementation of the Yucaipa Freeway Corridor Specific Plan (SP) which covers a 1,234-acre area. Planned land uses for the SP area include residential and commercial development, parks, school, and open space. The NOP notes that the SP area includes Prime Farmland and that implementation of the SP would result in conversion of farmland to non-agricultural use. Therefore, the Division recommends that, at a minimum, the following items be specifically addressed to document and treat project impacts on agricultural land and land use.

Agricultural Setting of the Project

The DEIR should describe the project setting in terms of the actual and potential agricultural productivity of the land. As referenced in the NOP, the Division's San Bernardino County Important Farmland Map, which defines farmland according to soil attributes and land use, may be used for this purpose. In addition, we recommend including the following information to characterize the agricultural land resource setting of the project.

John McMains, Director
May 16, 2006
Page 3 of 3

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is:

<http://www.conservation.ca.gov/DLRP/>

The Department believes that the most effective approach to farmland conservation and impact mitigation is one that is integrated with general plan policies. For example, the measures suggested above could be most effectively applied as part of a comprehensive agricultural land conservation element in the City's general plan. Mitigation policies could then be applied systematically toward larger goals of sustaining an agricultural land resource base and economy. Within the context of a general plan mitigation strategy, other measures could be considered, such as the use of transfer of development credits, mitigation banking, and economic incentives for continuing agricultural uses.

Thank you for the opportunity to comment on the NOP. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

cc: Inland Empire RCD
25864-K Business Center Drive
Redlands, CA 92374

May 11, 2006

VIA E-MAIL AND U.S. MAIL

Mr. John McMains
Director of Community Development
34272 Yucaipa Boulevard
Yucaipa, CA 92399

Re: Freeway Corridor Specific Plan Scoping Comments

Dear John:

Ken and Sandy Robinson and the Robinson entities (the "Robinsons"), owners of approximately one-half of the property in the Freeway Corridor Specific Plan, appreciate this opportunity to submit these comments on the scope of the proposed Environmental Impact Report ("EIR").

TRAFFIC/CIRCULATION

1. In District 1, the EIR should evaluate the impact of providing access solely from Calimesa Boulevard on fire safety, circulation and traffic safety, with no secondary access to Oak Glen. In particular, the EIR should consider fire safety access requirements and the benefits of a second access point to reduce pressure on the Oak Glen/Calimesa intersection. Interested retailers have already advised the Robinsons that a second or "back door" access is required for marketability, but it has important environmental implications as well. If the secondary access is not included in the Project, it should be evaluated as a mitigation measure and/or an alternative. Nothing in the Hillside Ordinance prohibits grading within hilly areas, so there is no inconsistency between secondary access and compliance with the Hillside Ordinance.

2. In District 1, the EIR should recognize the future realignment of Calimesa Boulevard as part of the environmental baseline, including grading of the northeast corner of Calimesa Boulevard and Oak Glen Road. As you know, the City has an independent obligation to complete the realignment and grading that is unrelated to the Specific Plan. As such, it is not properly part of the project, but is part of the existing condition.

3. The EIR should clarify that roads and land uses within all Districts are subject to adjustment during the design phase. For instance, in District 2, internal circulation is provided by a horseshoe road that traverses proposed open space. Without final design, it is

impossible to predict whether construction will require realignment of the horseshoe road and related intersections. Especially when the Specific Plan is being prepared by the City, over the objections of the property owners, it is crucial that enough flexibility be built in to permit actual development.

4. In District 3, the regional commercial area will not be easily accessible to the residential areas in District 4 or to the planned Wildwood Canyon interchange. The EIR should consider whether adding a service road parallel to the I-10 or other alternate road configurations would decrease traffic through the Live Oak Canyon/Oak Glen/I-10 and Oak Glen/Calimesa intersections and increase traffic safety.

5. The EIR should acknowledge that the location of interior streets is largely conceptual, with the final alignments to be determined at the design phase. For instance, in District 4, the proposed road through the commercial area impacts a water well at County Line Road. The proposed road locations in District 4 raise a number of environmental issues that can be mitigated through revisions to the design.

6. The impacts of locating roads through proposed open space should be considered, including grading. At the same time, it does not appear to be physically possible to access residential areas in Districts 2 and 3 without crossing planned natural open space. Safety considerations, therefore, require construction within open space. The EIR should address these impacts.

LAND USE

6. The EIR should clarify whether the land use bubbles in all four Districts are intended to be conceptual, with final boundaries determined at the design phase. If not, the EIR will need to consider potential conflict between the proposed development boundaries and construction needs, including grading, balance, paving and access.

7. At the scoping meeting, you and Sam Gennawey both assured us that the EIR will consider different densities and development layouts as alternatives, including higher densities similar to those in "Plan C" recommended by the Ad Hoc Specific Plan Committee. The land use plan preferred by the City Council assigns significantly higher residential densities to District 3, without any apparent justification in either topography or location. The EIR should evaluate the environmental impacts of increasing densities in Districts 1, 2 and 4 to a level consistent with District 3, in accordance with the City's stated intention of applying land use policies even-handedly.

8. The EIR should evaluate the consistency of the preferred plan with state law and the adopted Housing Element, including repeated statements that the bulk of future housing in the City, including affordable housing, would be accommodated in the existing PD zones, which allows housing up to 8 units per acre. As you know, the City's Housing Element has been out of compliance since it was adopted and the proposed Specific Plan appears to

increase the inconsistency. In letters to the City, HCD expressed concern that housing densities of 8 units per acre were inadequate to meet the need for affordable housing. According to the Mayor's statements, the City is only willing to consider densities over 4 units per acre in gated communities, which are unlikely to meet affordability targets.

9. To the extent that the City's Hillside Ordinance is responsible for the proposed reductions in density from the existing PD zones, the EIR should consider its consistency with CEQA's limitations on housing density reductions. For instance, in this case, open space set-asides can be accomplished through clustering, without any reduction in net densities. Instead, the City appears to have demanded large set-asides at the same time it dramatically reduced residential densities in the remaining development areas.

10. The EIR should consider the consistency of the preferred plan with the economic development and fiscal goals of the General Plan, especially those identifying the I-10 corridor as the City's best opportunity to capture sales tax leakage and other economic benefits.

11. The EIR should consider alternative locations for the school site in Districts 2, 3 and 4, considering its proximity to future residences, bus access and auto access. The Robinsons agree with the City's proposed location of a school site in District 3 because of its central location and proximity to existing roads/interchange. It is suspected that District 3 will also prove to be superior when phasing is taken into account, especially with respect to construction of future access roads such as the Wildwood Canyon Interchange which is not expected to occur in District 4 until 2020 or later.

12. The EIR should consider the pending affordable housing applications as alternatives to the preferred plan in Districts 1, 2 and 4. As you know, one of the functions of alternatives under CEQA is to reduce significant project impacts. In that the preferred plan would have a significant adverse impact on the ability of the City to provide affordable housing opportunities, at least one alternative should look at maintaining the current PD capacity for affordable housing.

OPEN SPACE

12. The EIR should consider the impacts of increasing the size of the development area in District 1, as required for economically feasible development, keeping in mind that the property is currently not open to the public and would remain in private hands with no public access under the Hillside Ordinance.

13. There does not seem to be any reason to include artificially created slopes, trenches or vertically eroded drainage corridors as "hills" for the purposes of the Hillside Ordinance. While interpretation of the Hillside Ordinance may not be an EIR issue, the impact of classifying these areas as slopes to be included in calculations to determine required natural open space should be considered.

Mr. John McMains
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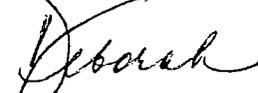
FISCAL IMPACT

13. We understand that the City will prepare a fiscal impact analysis in connection with approval of the Specific Plan. It appears that the analysis will be included in the EIR. The fiscal impact analysis should consider the analysis prepared as part of the General Plan which concludes that higher density development has a more positive impact on City finances than lower density developments.

The Robinsons look forward to reviewing the technical reports and appendices as they become available, and to commenting on future versions of the Specific Plan and EIR..

Very truly yours,

Cox, Castle & Nicholson LLP



Deborah M. Rosenthal, AICP

DMR/mlp

cc: Mr. Kenneth Robinson
Mrs. Sandy Robinson
Mr. Sam Gennawey

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