



Final Environmental Impact Report for the Oak Hills Marketplace in the City of Yucaipa, San Bernardino County, CA

State Clearinghouse # 2006061065



Prepared for



City of Yucaipa



Prepared by



Michael Brandman Associates



July 2007

**Final Environmental Impact Report and
Response to Comments on the
Draft Environmental Impact Report for
Oak Hills Marketplace
City of Yucaipa, San Bernardino County, California
State Clearinghouse # 2006061065**

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SECTION 1: INTRODUCTION

1.1 - CEQA Summary

The City of Yucaipa coordinated the preparation of an Environmental Impact Report (EIR) for the Oak Hills Marketplace (OHM) project. The OHM project includes a Preliminary Development Plan (PDP) for a regional commercial shopping center and related infrastructure improvements, including realigning Wildwood Creek and constructing a new public road (Oak Hills Parkway), and annexing a portion of the site into the Yucaipa Valley Water District. These proposed actions were described in the Draft EIR (also referred to as the DEIR) that was circulated for public review by the City. The public review period on the Draft EIR began on February 27, 2007 and officially ended on April 14, 2007. This Final EIR (FEIR) includes edits to the DEIR and also formal responses to comments (RTC) to each commenting agency and/or individual. This FEIR will be sent to commenting agencies at least ten days prior to project approval.

1.2 - Organization of the Final EIR

In accordance with Sections 15088 and 15088.5 of the California Environmental Quality Act (CEQA) Guidelines, this document responds to comments received on the Draft EIR and has been organized into five sections:

Section 1 – Introduction

Section 2 – I Errata and Refinements to the Draft EIR: Includes a listing of refinements and clarifications that have been incorporated into the text of the Draft EIR.

Section 3 – I List of Commentors: Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR.

Section 4 – I Responses to Comments: Includes a copy of all the letters received regarding the Draft EIR, and provides responses to the comments in all the letters. Each comment letter has been assigned an alphabetical designation and each specific comment are assigned a number for easy cross reference to our response. Our responses explain the Draft EIR analysis, support Draft EIR conclusions, or provide information, corrections, or clarification, as appropriate. Unless otherwise noted, references herein are related to the Draft EIR. For reading ease, this section is organized with the responses immediately following each commentor's letter.

Section 5 – Mitigation Monitoring and Reporting Plan: Includes a comprehensive monitoring report for the various mitigation measures outlined in the DEIR, and includes any new or modified mitigation measures that have been listed in this FEIR.

1.3 - Incorporation by Reference

The Response to Comments document is part of the Final EIR, which includes the Draft EIR pursuant to § 15132 of the State CEQA Guidelines. All corrections, clarifications, and refinements are outlined in this Final EIR, and herein considered to be incorporated into the Draft EIR text.

1.4 - Comment Letters and Responses

The comment letters for the DEIR, and responses to comments on the DEIR, are provided in this document. This document includes responses to all written and verbal comments received during the review period on the Draft EIR for the OHM. Text additions to the Draft EIR are shown in underline and text deletions are shown in ~~striketrough~~. All corrections, clarifications, and refinements are outlined in this Final EIR, and herein considered to be incorporated into the Draft EIR text. Pursuant to CCR Section 21092.5, the FEIR, including the responses to comments, will be sent to each commenting agency at least 10 days prior to project approval.

1.5 - New Information and Changes to the EIR

According to State CEQA Guidelines § 15088.5(a),

New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such and effect (including a feasible project alternative) that the project’s proponents have declined to implement. Significant new information requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- (3) A feasible project alternative or mitigation measure considerable different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.*
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

Information contained within this document clarifies or supplements information presented in the DEIR. This document contains no “new information” nor have the findings changed from those of

the DEIR. Therefore, recirculation of this document is not required as defined in State CEQA Guidelines § 15088.5.

1.6 - Project Sponsors and Contact Persons

The City of Yucaipa is the lead agency directing the environmental review of the proposed project. MBA, a private consulting firm, has compiled the EIR. Key contact persons are as follows:

Project Applicant:	Target Stores 1000 Nicollet Mall Minneapolis, MN 55403 Eric Padget 612.761.1508
Development Consultant:	Regency Centers 915 Wilshire Boulevard, Suite 2200 Los Angeles, CA 90017 Stephen LaBonge 213.553.2259
Property Owner:	Palmer General Corporation 32335 Live Oak Canyon Road Redlands, CA 92373 David Palmer 909.446.8888
Lead Agency:	City of Yucaipa 34272 Yucaipa Boulevard Yucaipa, CA 92399 Paul Toomey 909.797.2489 ext. 247
Environmental Consultant:	Michael Brandman Associates 621 Carnegie Drive, Suite 100 San Bernardino, CA 92408 Joan Valle 909.884.2255

SECTION 2: ERRATA AND REFINEMENTS TO THE DRAFT EIR

2.1 - Introduction

The following section includes both general explanations and specific revisions to the text of the DEIR. General explanations are provided in plain texts. Specific revisions are listed by page number and section in some instances. Additions are shown in underline (i.e., addition), while deletions are shown in strikethrough text (i.e., ~~deletion~~). New and/or revised tables and exhibits are included in this section, while any supplements to the technical appendices are at the end of this document.

2.2 - Global Updates / Refinements to the Draft EIR

The following was added to clarify or expand the information provided in the Draft EIR. This material does not constitute significant new information and therefore does not trigger recirculation of the EIR.

2.2.1 - Super Target Store

The proposed Target store is characterized as a Super Target store because it contains a full grocery department, a pharmacy, and other retail amenities. The DEIR referred to the store as a Target, a Target Superstore, or a Superstore. Although the reference to the Super Target store varied, all of the analyses did in fact address the appropriate size and type of land use encompassed by a Super Target store. For example, the Retail Impact Study (Appendix N of the DEIR) called out the Super Target by name and appropriately included 50,000 square feet of grocery use in the associated analysis. In fact, each environmental section analyzed the appropriate size and type of project. Therefore, the findings are consistent with those of the proposed Super Target store.

2.2.2 - Yucaipa Valley Water District Annexation

Portions of the project site are outside of the Yucaipa Valley Water District (YVWD) service area. The San Bernardino County Local Agency Formation Commission (LAFCO) is the agency responsible for the annexation process. Prior to project implementation, any areas that are not within the Yucaipa Valley Water District would have to be annexed into the YVWD for water and wastewater services, per LAFCO requirements. As discussed in the DEIR and in Appendix P of the DEIR, the YVWD has the capacity to service the OHM for both water and wastewater services. In addition to annexing into the YVWD, the YVWD has required the OHM project to utilize the YVWD for potable water, non-potable water, recycled water and wastewater services. See Exhibit 1 for a map of the existing APNs and the areas that are not currently within the YVWD.

2.2.3 - Health Risk Assessment

Based on comments from the South Coast Air Quality Management District (SCAQMD), the City commissioned a Health Risk Assessment (HRA) in order to evaluate the health risks associated with the operation of the proposed project. The HRA was conducted by air quality specialists at Michael

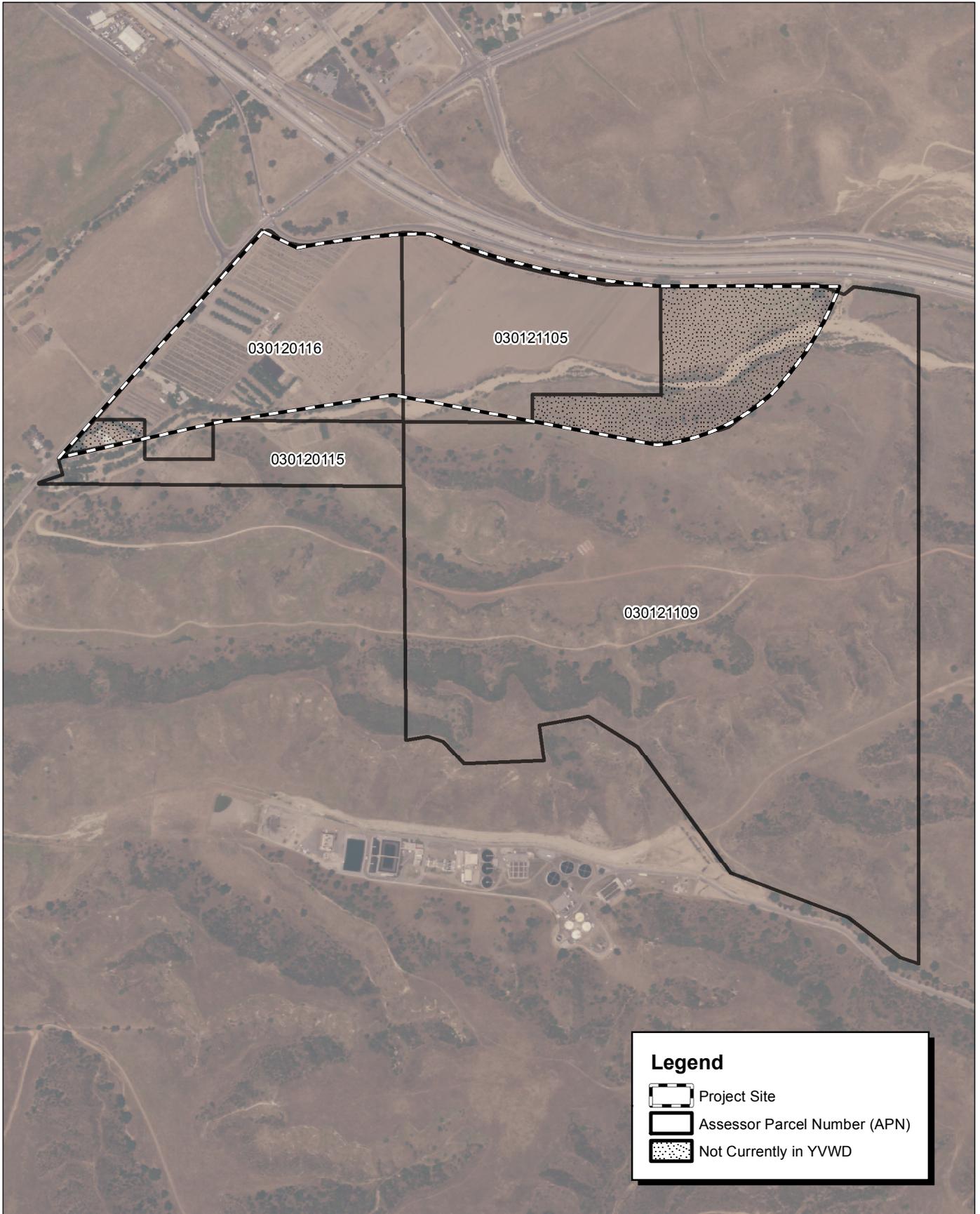
Brandman Associates and the report is contained in Appendix A of this document. The HRA does not contradict the findings of the DEIR. According to the HRA (Appendix A of this FEIR), project operations will not exceed the SCAQMD's Localized Significance Thresholds for the criteria pollutants of CO, NO_x, PM₁₀, and PM_{2.5}; and project operations will not exceed the SCAQMD's lifetime cancer risk at the maximally exposed sensitive receptor or worker. For more information related to the HRA, see Appendix A. This material does not constitute significant new information and therefore does not trigger recirculation of the EIR.

2.2.4 - Wildwood Creek Realignment

The following text was added at the request of California Department of Fish and Game (CDFG) to clarify or expand the information provided in the Draft EIR. This material does not constitute significant new information and therefore does not trigger recirculation of the EIR.

The proposed project includes realigning Wildwood Creek and constructing a detention facility east of the project to reduce peak flow rates within Wildwood Creek. To reduce scour to the channel, drop structures and gabions will be placed in several locations in the channel. Details of these design features are provided in Section 4.8, Hydrology and Water Quality, of the Draft EIR and in Exhibit 4 of Appendix G. In order to provide clarity regarding the creek design and location of the basins, this exhibit has been reproduced as Exhibit 2 of the FEIR.

The proposed channel has been designed to improve the hydrologic functions as compared to the existing channel and thereby reduce downstream scouring and turbidity. Under existing conditions, the channel is not in a state of equilibrium but is degrading (eroding) due to the steep banks and lack of floodplain which results in high flow velocities and strong shear stress. The proposed channel will minimize downstream scouring by reducing flow velocity through creation of a mild channel slope and placement of drop structures. The project will provide a detention basin and an energy dissipating outlet structure to ensure that downstream areas will not receive greater peak flows than existing conditions. Scouring and turbidity will also be reduced through armoring, floodplain design and vegetated slopes. To ensure that the reduced velocity of the proposed channel does not result in flooding or downcutting upstream, a flow by detention basin is proposed directly upstream of

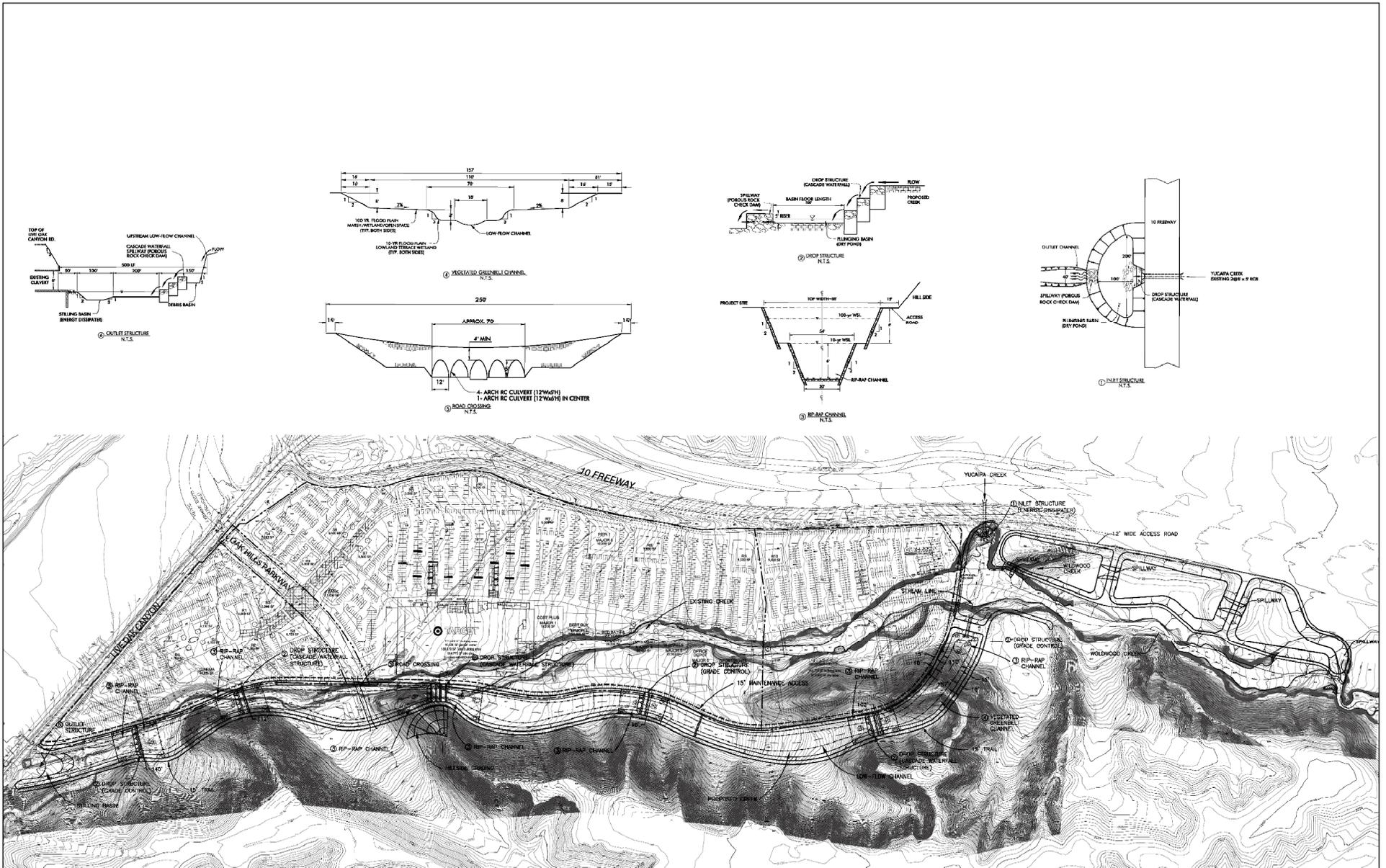


Source: National Agriculture Imagery Program (2005).

Exhibit 1



Yucaipa Valley Water District
Annexation Area



Source: Fuscoe Engineering Dec. 2005.

Wildwood Creek's confluence with Yucaipa Creek (shown in Exhibit 2). An additional detention opportunity is provided at a check dam that would be located at the front of the realigned section to provide a smooth hydraulic transition to the new channel. This check dam can also function as a flow-through detention basin. For more information regarding the creek and the proposed realignment, see Appendices G and K of the DEIR.

2.3 - Specific Additions, Revisions and Clarifications to the Draft EIR

The following was added to clarify or expand the information provided in the Draft EIR. This material does not constitute significant new information and therefore does not trigger recirculation of the EIR.

2.3.1 - Section 1: Introduction and Project Summary

Page 1-1, Second paragraph

The proposed shopping center includes, but is not limited to, ~~two retail anchor tenants (Target and another large scale retailer)~~ a Super Target store, providing groceries, pharmacy, and other retail amenities, another nationally know retail anchor tenant, such as a Costco, additional retail and miscellaneous commercial uses, restaurants, onsite parking and a cinema complex.

2.3.2 - Section 4.1: Aesthetics

Page 4.1-8 to 4.1-9, Mitigation Measures

The following mitigation measure was intended to reduce the lighting impacts; however, incandescent lights are not energy efficient and are therefore not desirable. In addition, the DEIR indicates that lighting will diminish to level needed for safety when stores close for the night. However, Target requires lights on 24 hours per day because workers clean or restock all night. Therefore, the following mitigation measure has been amended as follows:

AE-2 In order to reduce the lighting impacts, all lighting within the project site, including outdoors, entrances, commercial buildings, marquees, streets, and parking lot lights shall be shielded, directed downward, and shall use the minimum wattage required to properly illuminate the project site. No flashing, pulsating, or otherwise distracting lights will be allowed. ~~Incandescent lights rather than fluorescent lights shall be used throughout the property.~~ Exterior lighting from the retail operation and cinemas shall be reduced each night upon the closing of store operations to allow only that lighting required for store activities (i.e., store cleaning and restocking) and parking lot safety purposes. Note that interior lighting shall not be used in any way as signage or to advertise the business operations (i.e., interior lighted signs shall not be visible through windows). This measure shall be implemented to the satisfaction of the Community Development Director.

Revisions to this mitigation does not change the findings of the DEIR. The project will still have less than significant impacts to lighting primarily because the project must adhere to the City's development code lighting standards, which reduce any lighting impacts to less than significant levels.

2.3.3 - Section 4.3: Air Quality

Page 4.3-22, Global Climate Change

Global climate change (global warming) is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. An individual project of this size cannot generate enough greenhouse gas emissions to significantly influence global climate change.

Page 4.3-25, Second paragraph

Implementation of measures AQ-10 through AQ-12 will reduce operation-related emissions by an undefined amount. There is not an approved emission reduction quantity from those mitigation measures because, although it is hoped that people will walk more and take public transportation instead of utilizing personal vehicles, the number of vehicle miles that will be reduced as a result of the mitigation is unknown at this time.

Page 4.3-23 to 4.3-25, Mitigation Measures

The following measures have been revised. The revisions will not reduce the effectiveness of the measures, they will only allow for feasible implementation and design flexibility:

AQ-12 To reduce trips from future residences located south of the project site and to increase recreational opportunities, future pedestrian trails located ~~in the hills~~ south of the project site shall be connected to the project site to the maximum extent practicable, via a pedestrian bridge that crosses Wildwood Creek. This measure shall be implemented to the satisfaction of the City Community Development Director.

AQ-13 Prior to the issuance of occupancy permits, the developer shall demonstrate that all buildings are built in such a way as to meet or exceed the minimum statewide energy Title 24 construction requirements.

As suggested by the SCAQMD, the following mitigation measures shall be included in the Final EIR and the MMRP, as follows:

AQ-14 Prior to issuing individual occupancy permits, the project proponent shall provide verification that each establishment that is at least 10,000 square feet in size complies with the following:

- Use light-colored roofing materials to deflect heat and conserve energy.
- Install central water heating systems to reduce energy consumption.

- Install high energy-efficient appliances, such as water heaters, refrigerators, furnaces, and boiler units.
- Use double-paned windows to reduce thermal heat.
- Install automatic lighting on/off controls and energy-efficient lighting.
- This measure shall be implemented to the satisfaction of the City Community Development Director.

AQ-15 To reduce emissions from deliver trucks and materials handling, the following shall be complied with in accordance with the SCAQMD:

- Delivery trucks shall be offloaded promptly to prevent trucks idling for longer than five minutes in compliance with California law.
- All loading docks shall have signs posted that prohibit trucks idling for more than 5 minutes.
- Electrical hookups shall be provided for all establishments that would require deliveries from transportation refrigeration units (TRUs).
- Retail tenants shall provide flyers and pamphlets to delivery truck drivers educating them on the health effects of diesel particulate matter and the importance of being a good neighbor.
- Each establishment that is greater than 5,000 square feet shall use electrified materials handling service equipment (i.e., forklifts) and/or best available technology (BAT) as equipment is retired and replaced.

Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.

AQ-16 Each business on the project site shall be a part of the Oak Hills Transportation Management Association (TMA). The Oak Hills TMA shall be initiated and maintained by Target. The TMA will encourage and coordinate carpooling. Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.

AQ-17 To reduce vehicle trips, all establishments over 5,000 square feet shall include an employee break room. Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.

2.3.4 - Section 4.4: Biological Resources

Page 4.4-9, Critical Habitat

The site is not located within any USFWS designated eCritical hHabitat designated areas for the federally listed threatened coastal California gnatcatcher (*Polioptila californica californica*) federally listed species. However, as stated in the site-specific biological resources assessment (Appendix F of the DEIR), the project site is not suitable for coastal California gnatcatcher.

Page 4.4-9, Last paragraph

~~In addition, the habitat onsite that will be impacted is low quality agricultural land.~~

Page 4.4-10, Listed/Sensitive Species, first paragraph

The site has high habitat value for the orange throated whiptail and the southern California rufous crowned sparrow. It has moderate potential to serve as habitat for Perry's spineflower, Nevin's barberry, and Plummer's mariposa lily.

Page 4.4-10: Listed/Sensitive Species

The Listed/Sensitive Species subsection provides a summary of impacts to sensitive biological resources as discussed in Appendix F of the DEIR. For clarity, the following paragraphs from Appendix F have been added to the DEIR prior to subsection Plants/Wildlife/Raptors/Nesting Birds. The following text was added at the request of CDFG to clarify or expand the information provided in the Draft EIR. This material does not constitute significant new information and therefore does not trigger recirculation of the EIR.

Sensitive Plants

The Site contains suitable habitat for one federally and state listed endangered plant species, Nevin's barberry. Nevin's barberry was not observed during the biological assessment. As it is a perennial shrub, it would be easily visible year round; therefore, Nevin's barberry is believed to be absent from the site. In addition, focused surveys were not conducted because the portion of the site that contains suitable habitat for Nevin's barberry would not be disturbed. However, direct take of a listed species is not permitted pursuant to the ESA; therefore, out of an abundance of caution, preconstruction surveys are recommended for the chaparral and oak woodland areas if they are to be disturbed. See mitigation measure BIO-5 (below) and Appendix F of the DEIR for information in this regard.

Two locally sensitive plant species, Plummer's mariposa lily and Parry's spineflower, have a moderate potential to occur onsite. The proposed project may adversely affect the species; however, only a limited amount of marginally suitable habitat will be impacted, such as the small stands of Riversidean Sage Scrub (RSS) and Riversidean Alluvial Fan Sage scrub (RAFSS) and a small amount of Southern Mixed Chaparral (SMC). Therefore, potential impacts to Plummer's mariposa lily and Parry's spineflower are less than significant on a local or regional basis under CEQA and no further actions are recommended. See Appendix F of the DEIR for information in this regard.

Coast live oaks are considered sensitive by the City of Yucaipa and are protected by the Oak Tree Conservation ordinance of the City's Development Code. Several coast live oaks occur along the base of the hills in the southern portion of the Site, where Wildwood Creek will be re-aligned. Based upon the Oak Tree Conservation ordinance, impacts to or removal of these trees will require a tree removal permit and potential mitigation measures. See mitigation measure BIO-3 and Appendix F of the DEIR for information in this regard.

Sensitive Plant Communities

The Project Site contains a few small, scattered stands of RAFSS, a CDFG designated sensitive plant community, totaling 0.6 acres all of which would be impacted by the project. Due to the scattered and isolated location of these patches and their low habitat value, impacts are considered less than significant, and no mitigation is required. See Appendix F of the DEIR for information in this regard.

Reptile and Mammal Species of Special Concern

The Project Site contains suitable habitat for six reptile and mammal species of special concern, including coast (San Diego) horned lizard, northern red-diamond rattlesnake, orange-throated whiptail, silvery legless lizard, northwestern San Diego pocket mouse, and San Diego black-tailed jackrabbit. Although each species is a California species of special concern, none are federally or state-listed as endangered or threatened. Although the proposed project may adversely affect individuals of these species of concern, impacts will not likely affect overall populations. In addition, only a limited amount of marginally suitable habitat will be impacted, such as the small stands of RSS and RAFSS and a small amount of SMC, and the best quality habitat on the hills south of Wildwood Creek will be largely preserved. Therefore, potential impacts to reptile and mammal species of special concern are considered less than significant on a local or regional basis under CEQA, and no mitigation is required.

Avian Species of Special Concern

The project site also contains suitable habitat for five avian species of special concern, including burrowing owl, California horned lark, Cooper's hawk, loggerhead shrike, and southern California rufous-crowned sparrow. Although each of these species is a California species of special concern, none are federally or state-listed as endangered or threatened. The grassland and agricultural areas of the Project Site constitute suitable foraging habitat for burrowing owl, and the Site contains large numbers of California ground squirrel burrows suitable for burrowing and nesting. Due to the presence of suitable nesting areas for burrowing owl, mitigation is required to ensure that burrowing owl have not occupied the site prior to ground disturbing activities. See mitigation measure BIO-2 and Appendix F of the DEIR for information in this regard.

The proposed project may adversely affect individuals of the other four sensitive avian species but only a limited amount of suitable habitat will be impacted and the best quality habitat in the southern portion of the Site will be preserved. Therefore, potential impacts to these four avian species of

special concern are considered less than significant on a local or regional basis under CEQA, and no mitigation is required.

However, because the project site contains suitable nesting habitat for several tree, shrub, and ground-dwelling avian species, and breeding birds are protected under the MBTA and Fish and Game Code; if ground disturbing activities take place during breeding season, impacts to breeding birds would be potentially significant requiring mitigation. See mitigation measure BIO-4 and Appendix F of the DEIR for information in this regard.

Page 4.4-11, Wetlands

The subsection title shall be modified as follows:

Jurisdictional Waters and Wetlands

Wildwood Creek is not itself a wetland. According to an initial jurisdictional delineation assessment prepared by MBA, the project proposes to fill and realign approximately however, the project site contains 3.5 acres of waters of the United States and 11.5 acres of jurisdictional streambed subject to regulation of the USACE and by the CDFG, respectively. This is a potentially significant impact requiring mitigation. Mitigation is proposed that will lessen this impact to less than significant levels. See mitigation measures BIO-1 and HY-2, and Appendix F of the DEIR for information in this regard.

~~The realignment and channelization of Wildwood Creek will have a positive impact upon creek biology.~~

Page 4.4-12, First paragraph

Actions which alter creek features will require notification of the USACE, CDFG, and RWQCB and obtainment of a 404 Permit, a 401 Water Quality Certification, and a Streambed Alteration Agreement. ~~As designed, the project may have “a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means” (threshold e). The project will therefore affect resources of the CDFG.~~

Page 4.4-12, 4.4.4-Standard Conditions and Uniform Codes

Because the site is within an area that is designated as containing coastal California gnatcatcher Critical Habitat, consultation will be required between the USACE and the USFWS under Section 7 of the Endangered Species Act. However, as stated in the site-specific biological resources assessment (Appendix F of the DEIR), the project site does not support suitable habitat for coastal California gnatcatcher. Therefore, the project would not result in a significant impact to Critical Habitat, and no mitigation is proposed at this time. See Appendix F of the DEIR for information in this regard.

Page 4.4-12 to 4.4-14, Mitigation Measures

The following mitigation measures were modified/added at the request of CDFG. They expand or enhance the level of mitigation already outlined in the EIR, or clarify regulatory responsibilities already established in law. They therefore do not constitute new information and do not trigger recirculation of the EIR.

Mitigation measure BIO-1 has been revised as follows:

BIO-1 Prior to the start of grading, the applicant shall obtain a 1602 Streambed Alteration Agreement from the CDFG, a 404 permit from the USACE and a Water Quality Certification from the RWQCB. Copies of the approved agreement shall be provided to the City Engineer prior to issuance of a grading permit. This measure shall be implemented to the satisfaction of the City Director of Public Works.

Because of comments received on the DEIR, the following mitigation measures shall be added to the EIR and MMRP:

BIO-5 If ground disturbance in the chaparral and open oak woodland areas in necessary for development of the OHM, prior to issuing grading permits, focused surveys shall be conducted for Nevin's barberry to determine the presence/absence of this species onsite. The surveys should be conducted according to CDFG protocol within the species' blooming period from March to April and should be conducted to ensure 100% visual coverage of suitable habitat. If this species is found within the impact area, they should be avoided. If avoidance is not feasible, consultation should be undertaken with the USFWS and CDFG for appropriate measures prior to ground disturbance. Measures may include transplantation of the individuals into preserved areas.

BIO-6 Mitigation for impacts to jurisdictional streambed will be coordinated through CDFG during application for a Streambed Alteration Agreement. Mitigation is expected to consist of creation, enhancement, or preservation. Mitigation will be accomplished through a combination of on site creation and enhancement, and purchase of off-site mitigation credits, if necessary. On-site mitigation will include vegetating the banks of the channel and the floodplain areas with native riparian vegetation wherever feasible and practicable. Those areas of the channel and associated mitigation areas that are outside of Flood Control easement will be placed under a Conservation Easement. The balance of the mitigation, if any, as determined by CDFG, will be accomplished through purchase of off-site mitigation credits through an appropriate mitigation bank.

2.3.5 - Section 4.5: Cultural and Paleontological Resources

Page 4.5-4, Archeological Resources

The City has completed the requirements of Senate Bill 18 (consultation with Native American tribes). Therefore, the following paragraph should be added to Section 4.5.3:

The City has fulfilled the Senate Bill 18 (SB18) consultation process with the Native American tribes that were listed in the NAHC comment letter. Only one tribe, the Morongo Band of Mission Indians, responded. The Morongo Band was provided a copy of the Phase I Cultural Resource Survey Report and they determined that, “[s]ince there are no known sacred sites nor item on the Register or eligible for the register, technically, there is nothing on which to consult.” The Tribe continues to say that because they “believe the site to be in a high probability area for Native American cultural resources.” Therefore the Tribe has requested to be invited to any pre-construction meeting to discuss the probability of buried Native American Cultural Resources; and, that at least one of the monitors (required by mitigation measure C-1) be a Native American. The City will comply with these requests of the Morongo Band of Mission Indians. The formal SB18 consultation process for the OHM is considered complete.

Page 4.6-9 to 4.6-10, Mitigation Measures

In response to the Morongo Band of Mission Indians, the measure C-1 has been modified as follows:

- C-1** Prior to issuance of a grading permit, the developer shall retain a qualified Project Archaeologist to prepare an Archaeological Management Plan that establish procedures for archaeological monitoring during project grading. The Project Archaeologist shall conduct a pre-construction meeting with an authorized representative of the Morongo Band of Mission Indians. These monitoring procedures must be reviewed and discussed by the Project Archaeologist with the general contractor onsite before construction begins. Construction-related disturbances in virgin soil should be monitored on a full-time basis by a professional archaeologist and one qualified Native American monitor. Once 50 percent of the earth to be moved during grading has been examined, the Project Archaeologist, may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected. If buried cultural resource sites or isolated artifacts are detected during monitoring, no matter whether such resources are significant or not, monitoring must continue until 100 percent of virgin earth within the project has been disturbed and inspected by the monitor(s). If sites are exposed during construction, they should be plotted and avoided following guidelines established in the Archaeological Management Plan. If the discovered sites cannot be avoided, Mitigation Measures C-2 and C-3 shall be implemented. This measure shall be implemented to the satisfaction of the Community Development Director.

Mitigation measures C-6 and C-7, as listed in the cultural report, were unintentionally excluded from the DEIR. Mitigation measures C-6 and C-7 strengthen the protection for any potential paleontological resources that may be onsite. They expand or enhance the level of mitigation already outlined in the EIR, or clarify regulatory responsibilities already established in law. They therefore do not constitute new information and do not trigger recirculation of the EIR. These two measures are listed below and have also been added the MMRP (Section 5 of this FEIR).

C-6 A paleontological mitigation-monitoring plan should be developed before grading begins. Paleontological monitors should be equipped to salvage fossils, as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or if present are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

C-7 Monitoring of grading or trenching by a qualified paleontological monitor should take place once any excavation reaches five feet below the modern ground surface. Based upon the results of the review, areas of concern include all previously undisturbed sediments of San Timoteo Formation within the boundaries of the Project Area. Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

2.3.6 - Section 4.6: Geology and Soil Resources

The following mitigation measures were satisfied with the 2007 fault investigation conducted by Leighton Consulting, Inc. (Appendix B). Therefore, they have been deleted from the EIR and the MMRP.

~~**GEO-2** In order to determine appropriate setbacks, prior to approving the final site plan, a detailed fault investigation shall be completed to determine if any active faults are known or expected to traverse the site. If so, any faults must be delineated and appropriate setbacks and recommendations made that will reduce the impacts to less than significant. Appropriate recommendations must be incorporated in to the project design. This measure shall be implemented to the satisfaction of the City geologist and engineer.~~

~~**GEO-3** All mitigation measures included in the 2007 seismic study shall be incorporated into this EIR and shall be considered as required conditions that must be met prior to final project approval by the City. This measure shall be implemented to the satisfaction of the City Geologist and City Engineer.~~

The following mitigation measure was modified because the referenced exhibit was only a preliminary reference, whereas the final creek design will rely on multiple technical documents and qualified experts, not just the exhibit by Lawrence Mitchell Gates.

GEO-6 Prior to the issuance of a grading permit, the applicant will need to receive approval from the City Public Works Director, the City Geologist, and of the San Bernardino County Flood Control District, for the realignment and improvements to Wildwood Creek. ~~The improvements shall take into account the Earthwork Exhibit of Engineer Lawrence Mitchell Gates dated December 31, 2005.~~ This measure shall be implemented to the satisfaction of the City Engineer.

The following was added to expand the information provided in the Draft EIR. This material does not constitute significant new information and therefore does not trigger recirculation of the EIR.

The site is not located within an Alquist-Priolo Earthquake Fault Zone. However, a State designated Earthquake Fault Zone (EFZ) for the Chicken Hill fault trends towards the site, and terminates immediately north of the site at the I-10 freeway. Because the Chicken Hill fault has been mapped near the western edge of the project site, the City requested a fault investigation that would evaluate the presence of active faulting in the western portion of the site.

Since publishing the DEIR, Leighton Consulting, Inc. (LCI) has completed the geotechnical fault trenching of the Chicken Hill fault, and has prepared a report of the findings. The City's Geologist, Scott Magorien, commented on the LCI report. LCI responded with an addendum to the fault trenching report. Both of these reports are included in Appendix B of this FEIR. The letter from the City Geologist is included in the LCI report dated May 31, 2007. Note that the DEIR contains a prior LCI report that includes a summary of potential geotechnical impacts and mitigation measures. The previous LCI report is contained in Appendix I of the DEIR.

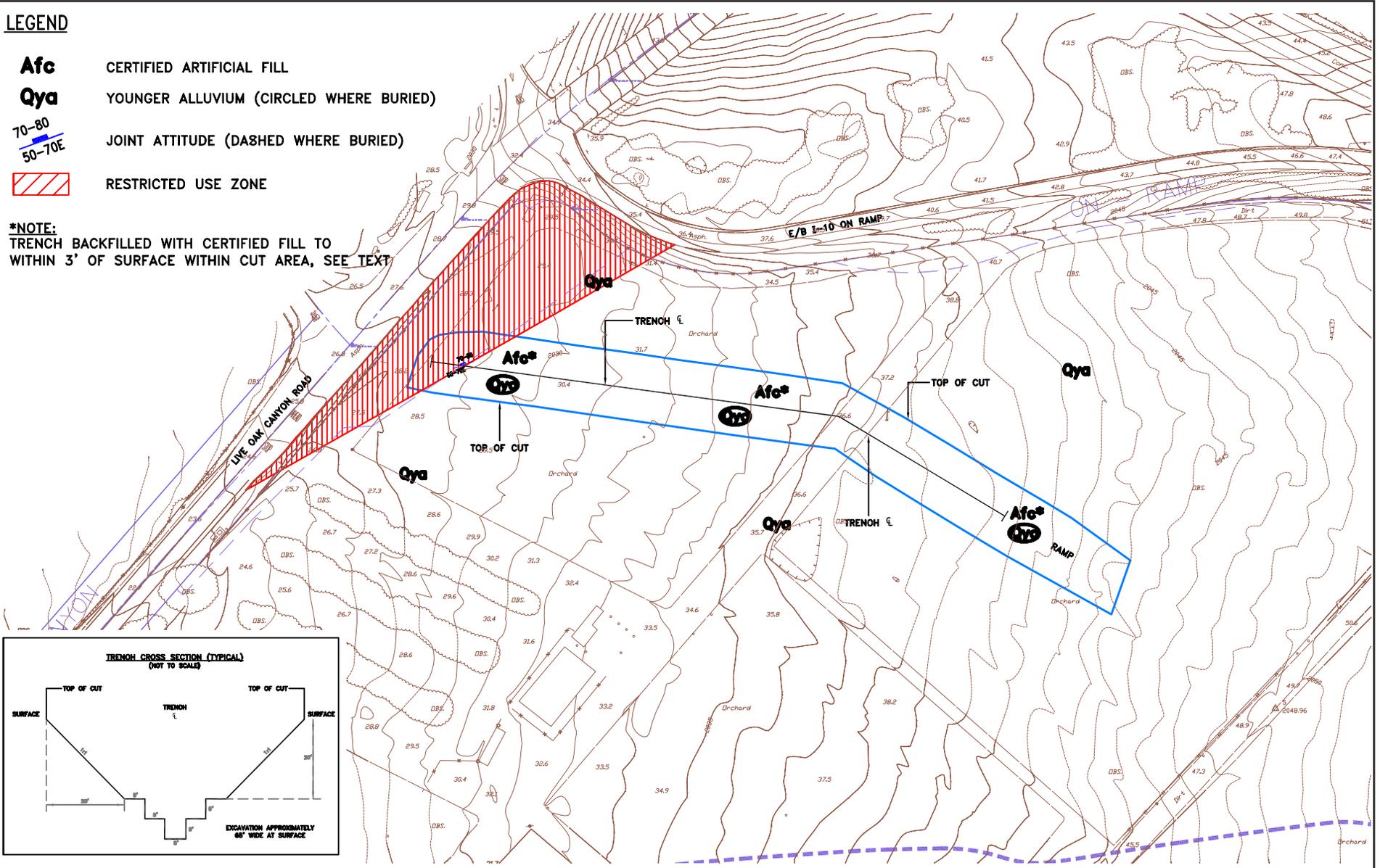
According to the latest LCI reports, no evidence of active faulting was observed within the trenched area. The City Geologist concurred with this LCI determination. LCI also recommended a restricted use zone primarily to account for the Caltrans easement area. This restricted use zone is shown in Exhibit 3 on the following page.

LCI recommends that habitable structures (one that supports any use by persons for more than 2,000 hours per year) should not be constructed within the restricted use zone; therefore, the following measure has been added to the MMRP:

LEGEND

- Afc** CERTIFIED ARTIFICIAL FILL
- Qya** YOUNGER ALLUVIUM (CIRCLED WHERE BURIED)
- 70-80**
50-70E JOINT ATTITUDE (DASHED WHERE BURIED)
-  RESTRICTED USE ZONE

***NOTE:**
TRENCH BACKFILLED WITH CERTIFIED FILL TO
WITHIN 3' OF SURFACE WITHIN CUT AREA, SEE TEXT



Source: Leighton, May 2007.



NOT TO SCALE

Michael Brandman Associates

18900005 • 06/2007 | 3_restricted_use.cdr

Exhibit 3
Restricted Use Zone

OAK HILLS MARKETPLACE • CITY OF YUCAIPA

GEO-7 Prior to approving the final site plan, the developer shall demonstrate that no habitable structures will be constructed within the restricted use zone. This measure shall be implemented to the satisfaction of the City Geologist.

The excavated trench was backfilled with compacted fill to within three feet of the surface. LCI recommends that during future grading of the site, the upper three feet of the excavated area should be removed, and the project geotechnical consultant of record should approve the removal bottom prior to the placement of additional fill. Therefore, the following mitigation measure has been added to the MMRP:

GEO-8 Prior to issuing grading permits, the project geotechnical consultant of record shall approve the removal bottom prior to the placement of additional fill. This measure shall be implemented to the satisfaction of the City Geologist.

The LCI fault report also determined that the project's geotechnical consultant of record should evaluate the geometry of the excavation with respect to any proposed structures to be constructed atop or immediately adjacent to the excavation, and should provide appropriate recommendations due to the differential fill thicknesses which is present within the excavated area. The excavation area, and a cross sectional profile of the excavation are presented on Exhibit 3 (Plate 1 from the LCI May 9, 2007 report). Therefore, the following mitigation measure has been added to the MMRP:

GEO-9 Prior to issuing grading permits, the project's geotechnical consultant of record should evaluate the geometry of the excavation with respect to any proposed structures to be constructed atop or immediately adjacent to the excavation, and should provide appropriate recommendations due to the differential fill thicknesses which is present within the excavated area. This measure shall be implemented to the satisfaction of the City Geologist.

2.3.7 - Section 4.8: Hydrology and Water Quality

Page 4.8-1, First paragraph

In addition, information on surface water was incorporated into this section from the ~~County of San Bernardino approved~~ City of Yucaipa Master Plan of Drainage (MPD)

Page 4.8-8, Last paragraph

Construction of the proposed channel will take place during the dry season and this will help to minimize erosion. Impacts to biological resources associated within construction of the proposed channel are discussed in Chapter 4.4.

Page 4.8-9, Third complete paragraph

Impacts to habitat are addressed in greater detail in the Biological Resources section of this report. Such impacts are closely linked to the hydrology aspects of the proposed development. ~~Are to be~~

~~graded for the project are not located close to the stream, thus they are not riparian areas.~~ The realigned channel will be wider than existing conditions with more gently sloping banks and reduced flow velocity allowing for riparian vegetation to become established on the slopes. For downstream areas, the proposed basin is a peaking basin that only reduces high flows (i.e., 100-year peak flow). Under low flow conditions, the proposed channel will not cause any adverse changes to downstream habitat.

Page 4.8-11 to 4.8-14, Mitigation Measures

The following mitigation measures were modified/added at the request of CDFG. They expand or enhance the level of mitigation already outlined in the EIR, or clarify regulatory responsibilities already established in law. They therefore do not constitute new information and do not trigger recirculation of the EIR.

The following mitigation measures have been revised as follows:

HY-2 Prior to issuing grading permits, the developer shall obtain the following permits or approvals relative to modifications to onsite drainage channels: 1) Clean Water Act 404 permit from the U.S. Army Corps of Engineers; 2) Clean Water Act 401 Certification from the SARWQCB; and 3) Streambed Alteration Agreement from the California Department of Fish and Game, as needed. The project shall provide a minimum of 1:1 on-site replacement for impacts to waters of the U.S. accomplished through creation of the realigned channel. ~~jurisdictional resources lost from development as a performance standard for this measure.~~ The channel will have an earthen bottom and replace or improve the functions and values of the existing channel. Additional mitigation, if required by the USACE, will be accomplished through purchase of mitigation credits at a mitigation bank within the Santa Ana River watershed. This measure shall be implemented to the satisfaction of the Public Works Director.

HY-5 Prior to the issuance of a grading permit for each phase, the developer shall prepare a WQMP and an Erosion and Sediment Control Plan (ESCP) to implement the most appropriate BMPs and to prevent any significant removal and/or downstream deposition of soil from the project site during construction. The WQMP will also identify permanent post-construction BMPs that will treat the water for pollutants associated with the uses of the project (i.e., food production, asphalt parking lot, gasoline station). The WQMP and ESCP shall contain provisions requiring that all erosion control measures and structures shall be maintained and repaired as needed for the life of the project. Prior to the issuance of a grading permit, the City Public Works Department shall approve the WQMP and ESCP based on review and input by the RWQCB. At the request of the developer, the City Public Works Department may approve a Storm Water Pollution Prevention Plan (SWPPP) as a substitute for the

ESCP as long as it fulfills the intent of this measure to an equivalent degree. The SWPPP or ESCP shall be prepared to the satisfaction of the City Public Works Director. The WQMP and ESCP or SWPPP shall include, but is not limited to, the following:

- a) Specify the timing of grading and construction to minimize soil exposure to winter rain period experienced in Southern California;
- b) The natural vegetation shall be retained on all areas that will not be disturbed for grading, except areas that must be cleared and revegetated as part of a fuel modification program;
- c) All slopes greater than 5 feet in height shall be evaluated to define the optimum length and steepness to minimize flow velocity and erosion potential. Lateral drainage collection systems shall be incorporated at the base of slopes, when determined appropriate, to transport flows in a controlled, non-erodable channel;
- d) Indicate where flows on the site can be diverted from denuded areas and carried in the natural channels on the site;
- e) Construct man-made channels to minimize runoff velocities;
- f) Disturbed areas shall be vegetated and mulched immediately after final grades have been established;
- g) Sediment traps, technical filters, basins, or barriers (silt fences, hay bales, etc.) shall be established on the property to prevent the release of “first flush” urban pollutants, including sediment, from developed areas, including any emergency access roads. The design and location of these improvements shall be identified in the plan subject to review and approval by the City;
- h) Drainage facilities designed to transport flows shall be described and the adequacy of the channel shall be verified by City approval of a detailed drainage analysis;
- i) An inspection and maintenance program shall be included to ensure that any erosion, which does occur either on- or off-site as a result of the project, will be corrected through a remediation or restoration program within a time frame specified by the City;

- j) Confirmed observations by the City of uncontrolled runoff being carried onsite will be grounds for suspension or revocation of any grading or building permit in process, or any discretionary permit subsequently applied for until the problem is resolved to the satisfaction of the City Public Works Department. This will prevent runoff that could contain sediment or urban pollutants from being carried onsite; and
- k) Compliance with Section 402, the Storm Water Pollution Prevention Plan) of the Clean Water Act will be required as administered by the Santa Ana River Water Quality Control Board.

This measure shall be implemented to the satisfaction of the Public Works Director.

The following paragraph has been modified, as measure HY-12 has been removed from the EIR and the MMRP. Other mitigation measures (HY-2 and BIO-6) compensate for the deletion of measure HY-12, therefore the level of impact after mitigation remains at less than significant.

Mitigation is required by the USACE and by the CDFG to offset any impacts to waters of the United States and to jurisdictional streambeds. Types of mitigation normally accepted by agencies may include the creation, restoration, and/or enhancement of like in-kind habitat and/or purchase of mitigation credits through an approved mitigation bank. A Habitat Mitigation and Monitoring Plan is generally prepared and submitted to USACE and CDFG for approval prior to the implementation of mitigation. ~~Mitigation measure HY-12 will also mitigate the impacts to jurisdictional waters. The impacts to jurisdictional waters are mitigated with measures HY-2 and BIO-6.~~

~~**HY-12** Impacts to jurisdictional waters shall be mitigated through the re-creation of 2.5 acres of waters of the United States and 7.4 acres of jurisdictional streambed. The creation area shall consist of riparian plant species. This measure shall be implemented to the satisfaction of the Public Works Director.~~

2.3.8 - Section 4.15: Transportation, Circulation and Parking

Page 4.15-15 to 4.15-16, Mitigation Measures

The following mitigation measure has been modified in two ways: 1) in regard to the timing of implementation; 2) in regard to the widening of Live Oak Canyon Road (T-1(f)). The timing of implementation has been modified to allow a more feasible and realistic timeline. T-1(f) was modified to clarify the extent of the road widening on Live Oak Canyon Road. These modifications do not constitute new information and do not trigger recirculation of the EIR.

- T-1** ~~By 2009 or p~~Prior to issuance of occupancy permits, ~~whichever comes first,~~ in the event such improvements are not completed by others, the developer shall complete the following improvements:

- a) Outer Highway 10 South at 16th Street - The intersection will retain its T-shape and shall be converted to an all-way stop (in this case, a three-way stop); the roadway east and west of the intersection shall be widened and striped to provide one dedicated left and one through lane eastbound, and the roadway shall be re-striped to provide one left turn lane and one through lane eastbound, one right turn lane, and one westbound through lane; at the south approach, the roadway shall be widened and striped for 200 feet north of the intersection to provide one right turn lane and one left turn lane;
- b) Live Oak Canyon Road at Outer Highway 10 South - At the eastbound approach, the roadway will be realigned southward and widened and re-striped to provide one left turn lane, two through lanes, and one right-turn lane. The through lanes would provide access to the future Oak Hills Parkway. At the westbound approach, Oak Hills Parkway shall be constructed to a major arterial width and shall provide one left-turn lane, two through lanes, and one right-turn lane. This will transform the intersection from a T-intersection to a four-way intersection and serve the commercial development. In addition, the intersection control shall be upgraded from a stop sign to a full traffic signal with protected left turn phasing.
- c) Live Oak Canyon/Oak Glen Road at the I-10 Eastbound and I-10 Westbound Ramps-- Both eastbound and westbound ramps shall be realigned and widened to provide one dedicated left and one right turn lane with a middle shared left-through-right lane. For northbound and southbound approaches, Live Oak Canyon Road and Oak Glen Road shall be widened and striped with one left turn lane and two through lanes from each approach to the interchange. This will require modification of the I-10 Freeway Bridge. Traffic signals shall be installed at each on/off ramp.
- d) Oak Glen Road at Colorado Street (2008): At the westbound approach, the roadway shall be re-striped to provide one dedicated left turn lane and one right-turn lane. In addition, the intersection shall be signalized when a traffic signal becomes warranted.
- e) Oak Glen Road at 14th Street and Calimesa Boulevard (2008): At the east and west approaches, Oak Glen Road shall be re-striped to provide two through lanes, one left turn lane, and one right turn lane. At the north and south approaches, this intersection shall be widened to General Plan width to provide two through lanes northbound and two through lanes southbound.

- f) Live Oak Canyon Road adjacent to the project area (north of the future Oak Hills Parkway to the eastbound I-10 ramp) should be widened ~~to four lanes~~ as shown in the project-specific TIA and per the Circulation Element of the General Plan.

This measure shall be implemented to the satisfaction of the City Public Works Director.

2.3.9 - Section 5: Cumulative Impacts

Page 5-5, First Paragraph

Ultimate development of the area will generate thousands of additional trips per day based on standard trip generation conditions, and area development will produce air pollutants that exceed SCAQMD thresholds. Continued growth would produce incremental but cumulatively considerable amounts of additional air pollutants from increased traffic, mainly NO_x and ROG. This will be the eventual result of cumulative residential, commercial, and industrial development in the community.

The area development includes the construction of transportation improvement projects adjacent to the project. These transportation projects would result in emissions during construction such as VOC from asphalt off-gassing and exhaust emissions. The construction analysis in section 4.3 of the EIR indicates that emissions of VOC, NO_x, PM₁₀, and PM_{2.5} during construction would exceed the regional significance thresholds. Therefore, the project would contribute to a cumulative impact during construction, as discussed further in the paragraphs below.

Page 5-5 to 5-6, Global Climate Change

Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. Gases that trap heat in the atmosphere are often called greenhouse gases or greenhouse gas emissions (GGE), analogous to a greenhouse. GGEs are emitted by natural processes and human activities. The accumulation of greenhouse gases in the atmosphere regulates the earth's temperature. Without these naturally occurring greenhouse gases, the Earth's surface would be about 61°F cooler. Greenhouse gases can include the following: water vapor, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The project will emit carbon dioxide, methane, and nitrous oxides from natural gas combustion and the motor vehicles that will access the project site, and indirectly due to increased generation of electrical power. To the extent the project will produce a net increase in traffic, it will also produce a net increase in carbon dioxide, one of the primary GGEs of concern. The State of California Health and Safety Code § 38501 declares that anthropogenic global warming "poses a serious threat to the economic well-being, public health, natural resources, and the environment of California."

No one knows at this stage whether the project's contribution to the cumulative global warming problem is significant. However, the DEIR imposes multiple mitigation measures that would reduce project-related GGE's to the extent feasible. Mitigation measure AQ-13 includes increasing energy efficiency that meets or exceeds that required by Title 24. In addition, other mitigation measures

listed in the air quality section will also reduce greenhouse gases, including measures AQ-2, AQ-4, AQ-5, AQ-6, AQ-7, AQ-8, AQ-10, AQ-11 and AQ-12. In this way, the project is in compliance with State strategies to reduce greenhouse gas emissions and the project's impact with regard to global climate change is less than significant with mitigation.

SECTION 3: LIST OF COMMENTORS

The City of Yucaipa, as the Lead Agency, received the following twelve letters (Letters A through L) commenting on the Draft EIR for the OHM project.

State/Federal Agencies

- A. California Office of Planning and Research (OPR), State Clearinghouse
- B. Department of Transportation
- C. Native American Heritage Commission (NAHC)
- D. Department of Toxic Substances Control (DTSC)*
- E. Department of Fish and Game

Regional Agencies

- F. South Coast Air Quality Management District (SCAQMD)*
- G. Southern California Association of Governments (SCAG)

County Agencies

- H. San Bernardino County Department of Public Works Environmental Management Division*
- I. San Bernardino County Department of Public Works Water Resources Division*

Local Agencies and Private Organizations/Individuals

- J. Robinson Ranch
- K. Sullivan, Workman & Dee, LLP*
- L. City of Yucaipa Planning Commissioners

*Comment letter received after the 45-day public review period.

In addition to the aforementioned commentors, the San Bernardino County Local Agency Formation Commission (LAFCO) also commented via telephone on July 11, 2007. LAFCO requested information regarding the Yucaipa Valley Water District annexation (i.e., map of the annexation area) to be included in the FEIR. Their comments were incorporated in to this document where appropriate.

SECTION 4: RESPONSE TO COMMENTS

4.1 - Introduction

The City of Yucaipa distributed the Draft EIR to responsible agencies and interested parties on February 27, 2007. The review period for the Draft EIR was from February 27, 2007 thru April 16, 2007. The City used several methods to elicit comments on the Draft EIR: copies of the draft document were distributed to state agencies through the State Clearinghouse of the Governor's Office of Planning and Research; a Notice of Availability of Draft EIR was distributed to federal agencies, local agencies, individuals, and organizations indicating where copies of the Draft EIR could be obtained or reviewed, including the City Library and the Yucaipa Planning Department. Additionally, the City published the Notice of Completion and Availability of the Draft EIR in the Yucaipa/Calimesa Mirror newspaper. In addition, the City held a public meeting on April 4, 2007 in order to solicit public comments on the proposed OHM. No one from the public commented on the proposed project; however, the City received several comments from the Planning Commissioners. The responses to these comments are also included in this FEIR (Letter L).

4.2 - Comment Letters and Responses

The comment letters for the Draft EIR, and responses to comments on that document, are provided on the following pages. Text additions to the Draft EIR are shown in underline and text deletions are shown in ~~striketrough~~. All corrections, clarifications, and refinements are outlined in this Final EIR, and herein considered to be incorporated into the Draft EIR text. In accordance with § 15088 of the State CEQA Guidelines, the City of Yucaipa, as the lead agency for the proposed project, evaluated comments received on the Draft EIR (State Clearinghouse No. 2006061065) for the OHM, and has prepared the following responses to the comments received.



STATE OF CALIFORNIA
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
 GOVERNOR

CYNTHIA BRYANT
 DIRECTOR

April 16, 2007

RECEIVED

APR 19 2007

City of Yucaipa
 PLANNING DIVISION

Letter A

Paul Toomey
 City of Yucaipa
 34272 Yucaipa Boulevard
 Yucaipa, CA 92399

Subject: Oak Hills Marketplace
 SCH#: 2006061065

Dear Paul Toomey:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 13, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
 Director, State Clearinghouse

Enclosures
 cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

Letter A
Attachment

SCH# 2006061065
Project Title Oak Hills Marketplace
Lead Agency Yucaipa, City of

Type EIR Draft EIR

Description The proposed project includes a General Plan Amendment and a Preliminary Development Plan for a regional shopping center totaling roughly 613,000 square feet of building space on 61.33 acres of land. The proposed shopping center includes, but is not limited to, two commercial anchors, additional retail and miscellaneous commercial uses, restaurants and a cinema complex. The project includes onsite parking with access via Live Oak Canyon Road. The proposed project may also involve: realignment and channelization of Wildwood Creek; a new dedicated public street heading eastward in the southern portion of the site; relocation or replanting of oak trees; the use of soil from nearby hillsides to fill in the existing bed of Wildwood Creek; and improvements to Live Oak Canyon Road which is designated as a Scenic Corridor in the City's General Plan. The proposed project is adjacent to, but separate from the Freeway Corridor Specific Plan.

Lead Agency Contact

Name Paul Toomey
Agency City of Yucaipa
Phone (909) 797-2489 x247
email
Address 34272 Yucaipa Boulevard
City Yucaipa **State** CA **Zip** 92399
Fax

Project Location

County San Bernardino
City Yucaipa
Region
Cross Streets Live Oak Canyon Road and I-10 Freeway
Parcel No. 0301-201-16; 0301-211-05, 09
Township 2S **Range** 2W **Section** 9, 10 **Base**

Proximity to:

Highways I-10
Airports
Railways
Waterways Wildwood, Wilson, and Yucaipa Creeks
Schools HS, JH, and ES
Land Use Existing: Agricultural Use (Pumpkin patch and Christmas tree farm)
Zoning: Planned Development

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

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 8; Department of Parks and Recreation; Native American Heritage Commission; Department of Fish and Game, Region 6; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Department of Toxic Substances Control

Date Received 02/28/2007 **Start of Review** 02/28/2007 **End of Review** 04/13/2007

Letter A - California Office of Planning and Research (OPR)(dated April 16, 2007)

Response to Comment A-1

OPR acknowledged that the official closure of the DEIR comment period. OPR received three comment letters in regard to the OHM Draft EIR (NAHC, DTSC, and CDFG). These letters were also sent directly to the City, and have been included in this FEIR. The City has complied with the State Clearinghouse review requirements for the DEIR.

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING AND LOCAL ASSISTANCE (MS 722)

464 WEST 4th STREET, 6th FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300



*Flex your power!
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APR 11 2007

City of Yucaipa
PLANNING DIVISION

April 4, 2007

Paul Toomey
City of Yucaipa
Community Development Department
34272 Yucaipa Boulevard
Yucaipa, CA 92399

Letter B

Dear Mr. Toomey:

Oak Hills Marketplace Preliminary Development Plan
Draft Environmental Impact Report - SCH 2006061065
08 SBd 10 PM 37.029

The California Department of Transportation (Caltrans) has received the above noted project consisting of multiple buildings of retail commercial with a total of over 600,000 square footage of building. The site is located south of Interstate 10 and east of Live Oak Canyon Bridge over crossing and southeast of Live Oak Canyon Interchange.

We offer the following comments for your consideration:

The increase in traffic from this proposed project will cause unacceptable delays on the existing two lanes on Live Oak Canyon Bridge. Due to the current construction delay of Live Oak Canyon Bridge widening and interchange reconfiguration project, the Department of Transportation is advocating that Alternative Two or Three of the Oak Hills Marketplace be considered by the Planning Commission. The traffic mitigation in the Draft Environmental Impact Report for this project requires the widening of Live Oak Canyon Bridge prior to the project opening to business, otherwise there will be significant traffic delays.

B-1

The Draft Environmental Report states (on page 1-20) that: 1. Prior to 2009 or issuance of building permits, the Live Oak Canyon Bridge is to be widened; or 2. Depositing a Performance Bond with the City or pay a fair share mitigation fee designated to be used for bridge widening. Please contact our office for more information about a cooperative agreement to fund the bridge widening. An interim solution is installing traffic signals at both ramp intersections.

B-2

Mr. Paul Toomey
April 4, 2007
Page 2

The project applicant's engineer/architect should be informed regarding the City's project for Live Oak Canyon Interchange and any potential right-of-way dedication needed for interchange realignment (especially for the Eastbound 10 on-ramp), which should be dedicated to the State for interchange improvement.

B-4

The implementation of public transit to the site is encouraged via Omnitrans. Non-motorized needs should also be addressed such as bicycle and walking facilities (bike racks/lockers) and bike lanes or wide sidewalks.

B-5

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact me at (909) 383-4557 for assistance.

Sincerely,



DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

Letter B - Department of Transportation (DOT) (dated April 4, 2007)

Response to Comment B-1

The DEIR addressed the traffic impacts at the Live Oak Canyon Road interchange. The DEIR analysis assumed that the interchange would be completed prior to buildout of the proposed commercial center. Regardless, the project includes interim improvements and traffic mitigation that reduce the impacts to less than significant levels. See mitigation measures T-1 and T-2.

Response to Comment B-2

The Live Oak Canyon Road interchange is currently impacted, even without the proposed commercial center, and improvements to the overpass will occur with or without the OHM. The purpose of mitigation measure T-1 is to provide an alternate plan for the developer in the event that the Caltrans project is postponed or cancelled. Should the project be approved, the City Public Works department would coordinate with Caltrans regarding interim improvements at the interchange.

Response to Comment B-3

The project engineer is aware of the planned Live Oak Canyon Road interchange improvements and the City will consult with Caltrans regarding right-of-way dedication.

Response to Comment B-4

The DEIR addressed non-motorized transportation methods and included mitigation measures that support alternate methods of transportation (AQ-10, AQ-11, AQ-12, T-3, and T-4). The City will consult with Caltrans regarding the Live Oak Canyon Road bridge to discuss continuing the bike lane across the bridge.

Response to Comment B-4

The DEIR addressed non-motorized transportation methods and included mitigation measures that support alternate methods of transportation, including consultation with Omnitrans regarding bus stops and routes. See mitigation measures AQ-10, AQ-11, AQ-12, T-3, and T-4 for more in this regard.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



March 19, 2007

Mr. Paul Toomey, Associate Planner
CITY OF YUCAIPA
34272 Yucaipa Boulevard
Yucaipa, CA 92399

RECEIVED
MAR 20 2007
City of Yucaipa
PLANNING DIVISION

Re: SCH#2006061065; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Oak Hills Marketplace Project; City of Yucaipa; San Bernardino County; California

Dear Mr. Toomey:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

C-1

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf> The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

C-2

- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.

C-3

- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

C-4

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

C-5

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

C-5
Cont

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

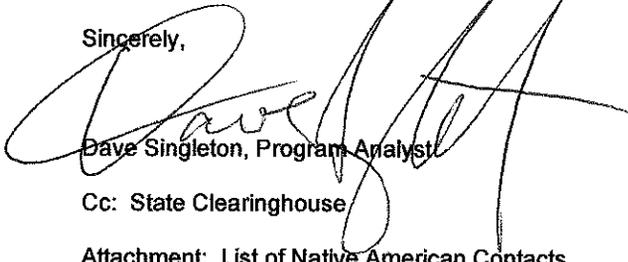
C-6

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

C-7

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton, Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

Native American Contacts
San Bernardino County
March 19, 2007

Letter C
Attachment

Cahuilla Band of Indians
Anthony Madrigal, Jr., Interim-Chairperson
P.O. Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

San Manuel Band of Mission Indians
Henry Duro, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3370 Fax

Morongo Band of Mission Indians
Britt W. Wilson, Cultural Resource Coordinator
11581 Potrero Road Cahuilla
Banning , CA 92220 Serrano
britt_wilson@morongo.org
(951) 849-8807
(951) 755-5200/323-0822-cell
(951) 922-8146 Fax

San Manuel Band of Mission Indians
Ann Brierty, Environmental Department
101 Pure Water Lane Serrano
Highland , CA 92346
abrierty@sanmanuel-nsn.gov
(909) 863-5899 EXT-4321

(909) 862-5152 Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
11581 Potrero Road Cahuilla
Banning , CA 92220 Serrano
britt_wilson@morongo.org
(909) 849-8807
(909) 755-5200
(909) 922-8146 Fax

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

Cahuilla Band of Indians
Maurice Chacon, Cultural Resources
P.O. Box 391760 Cahuilla
Anza , CA 92539
cbandodian@aol.com
(951) 763-2631

(951) 763-2632 Fax

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

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

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2006061065; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Oak Hills Marketplace Project; City of Yucaipa; San Bernardino County, California.

Letter C - Native American Heritage Commission (NAHC) (dated March 19, 2007)

Response to Comment C-1

A Phase I Cultural Resources Survey Report and Historical Significance Assessment for the proposed project was prepared by MBA in October 2006. The complete cultural report is contained in Appendix H of the Draft EIR. The cultural survey was a comprehensive study that included multiple records searches for the project area. The City acknowledges that a records search has occurred per current state standards.

Response to Comment C-2

A Phase I Cultural Resources Survey Report and Historical Significance Assessment for the proposed project was prepared by MBA in October 2006. The complete cultural report is contained in Appendix H of the Draft EIR.

Response to Comment C-3

The Phase I Cultural Resources Survey Report and Historical Significance Assessment included a Sacred Lands File (SLF) search. The search determined that no sacred sites are known for this area. In addition to the SLF and in compliance with Senate Bill 18 (SB18), each tribal contact listed in the NAHC Notice of Preparation comment letter was sent notification of the proposed project. Only one tribe, the Morongo Band of Mission Indians, responded. The Morongo Band requested a copy of the Phase I Cultural Resource Survey Report, and they determined that the site was of no particular significance and they terminated the consultation process. The Morongo Band requested mitigation measures that were already included in the DEIR. The SB18 consultation process for the OHM is therefore considered complete.

Response to Comment C-4

The City acknowledges that lack of surface evidence of archeological resources does not preclude their subsurface existence. The Draft EIR contains mitigation (Mitigation Measure C-1) that requires an Archeologist Management Plan (AMP). This requirement addresses impacts to archaeological resources if they are found during grading, including allowing access for tribal monitors to the site, and proper actions and notification if human remains are found. Other mitigation is also addressed in the DEIR that is designed to protect cultural resources (C-2, C-3, C-4, and C-5). Mitigation measures C-6 and C-7, as listed in the cultural report, were unintentionally excluded from the DEIR. Mitigation measures C-6 and C-7 strengthen the protection for any potential paleontological resources that may be onsite. These two measures are listed below and have been added the MMRP (Section 5 of this FEIR).

- C-6** A paleontological mitigation-monitoring plan shall be developed before grading begins. Paleontological monitors shall be equipped to salvage fossils, as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of

abundant or large specimens. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or if present are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

- C-7** Monitoring of grading or trenching by a qualified paleontological monitor shall take place once any excavation reaches five feet below the modern ground surface. Based upon the results of the review, areas of concern include all previously undisturbed sediments of San Timoteo Formation within the boundaries of the Project Area. Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

Furthermore, the City has completed the Senate Bill 18 (SB18) consultation process with the Native American tribes that were listed in the NAHC comment letter. As of the date of publishing this FEIR, Only one tribe, the Morongo Band of Mission Indians, responded. The Morongo Band requested a copy of the Phase I Cultural Resource Survey Report, and they determined that the site was of no particular significance. Thus, they terminated the consultation process, and the SB18 consultation process for the OHM is considered complete. However, the Morongo Band of Mission Indians, while not claiming that the project site possesses particular cultural significance, nevertheless has asked to participate in any pre-construction meetings to discuss the possibility of buried Native American Indian resources. Therefore, mitigation measure C-1 has been modified as follows:

- C-1** Prior to issuance of a grading permit, the developer shall retain a qualified Project Archaeologist to prepare an Archaeological Management Plan that establish procedures for archaeological monitoring during project grading. The Project Archaeologist shall conduct a minimum of one pre-construction meeting with the Morongo Band of Mission Indians. These monitoring procedures must be reviewed and discussed by the Project Archaeologist with the general contractor onsite before construction begins. Construction-related disturbances in virgin soil should be monitored on a full-time basis by a professional archaeologist and one qualified Native American monitor. Once 50 percent of the earth to be moved during grading has been examined, the Project Archaeologist, may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected. If buried cultural resource sites or isolated artifacts are detected during monitoring, no matter whether such resources are significant or not, monitoring must continue until 100 percent of virgin earth within the project has been disturbed and inspected by the monitor(s). If sites are exposed during construction, they should be plotted and

avoided following guidelines established in the Archaeological Management Plan. If the discovered sites cannot be avoided, Mitigation Measures C-2 and C-3 shall be implemented. This measure shall be implemented to the satisfaction of the Community Development Director.

Response to Comment C-5

California State Health and Safety Code §7050.5 dictate that if human remains are discovered during construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Health and Safety Code § 7050.5 and Public Resources Code (PRC) §5097.98.

Response to Comment C-6

See response to Comment C-4 and C-5.

Response to Comment C-7

The City acknowledges that avoidance should be considered when significant impacts to cultural resources are discovered. For that reason, a Phase I Cultural Resources Survey Report and Historical Significance Assessment was conducted for the project site. As per Mitigation Measure C-1 of the Draft EIR, an AMP is required. This plan will outline the steps that will be taken if significant cultural resources are discovered. In addition, several other mitigation measures designed to protect cultural resources are included in the DEIR.



Department of Toxic Substances Control



Arnold Schwarzenegger
Governor



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

RECEIVED
APR 23 2007
City of Yucaipa
PLANNING DIVISION

April 16, 2007

Mr. Paul Toomey
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, California 92418-0001

OAK HILLS MARKETPLACE EIR (SCH# 2006061065)

Dear Mr. Toomey:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The proposed project includes a General Plan Amendment and a Preliminary Development Plan for a regional shopping center totaling roughly 613,000 square feet of building space on 61.33 acres of land. The proposed shopping center includes two retail anchor tenants, additional retail and miscellaneous commercial uses, restaurants and a cinema complex. The project includes onsite parking with access via Live Oak Canton Road. The proposed project may also involve: the realignment of Wildwood Creek to run along the base of the hills to the south of the commercial development; the southward relocation of the I-10 Freeway ramps on Live Oak Canyon Road; a new dedicated public street heading eastward in the southern portion of the site; the relocation and/or replanting of oak trees; the sure of soil from hillsides near the south edge of the site to fill in the existing bed of Wildwood Creek; and improvements to Live Oak Canyon Road which is designated as a Scenic Corridor in the City's General Plan. Note that the proposed project is adjacent to but separate from the Freeway Corridor Specific Plan".

D-1

DTSC sent you NOP comments on July 11, 2006. DTSC has additional comments on the draft EIR as follows:

1. All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the EIR.

D-2

2. Proper investigation, sampling and remedial actions, if necessary, should be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.

D-3

Mr. Paul Toomey
April 16, 2007
Page 2

3. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.

D-4

4. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.

D-5

5. Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

D-6

6. If the project plans include discharging wastewater to a storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.

D-7

7. If structures on the Project Site contain potentially hazardous materials, such as; asbestos-containing material, lead-based paint, and mercury- or PCB-containing material, such materials should be removed properly prior to demolition, and disposed of at appropriate landfills or recycled, in accordance with the regulatory guidance provided in California Code of Regulation (CCR) and following the requirements of the Universal Waste Rule (40 CFR part 9).

D-8

If you have any questions regarding this letter, please contact me at (714) 484-5461 or call Mr. Al Shami, Project Manager, at (714) 484-5472 or at "ashami@dtsc.ca.gov".

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: See next page

Mr. Paul Toomey
April 16, 2007
Page 3

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 1615

Letter D - California Department of Toxic Substances Control (dated April 16, 2007)

Response to Comment D-1

The agency's characterization of the proposed OHM project is accurate.

Response to Comment D-2

The project mitigation measures follow the DTSC standards and recommendations. As recommended by the DTSC in their NOP comment letter, the Draft EIR included mitigation for hazardous waste remediation, including entering into a Voluntary Work Plan (VWP), if extensive contamination is found, including contamination associated with past agricultural use of the site. If contamination is found, remediation of the site shall be conducted by a licensed contractor in accordance with state and local guidelines.

Response to Comment D-3

A Phase II Soils Sampling Report (PII) was prepared by Leighton Consulting for the project site (Draft EIR Appendix J). The PII concluded that no organochlorine pesticides (OCPs) were observed and that no further testing would be necessary. The project mitigation measures follow the DTSC standards and recommendations, and include entering into a Voluntary Work Plan, if needed.

Response to Comment D-4

As outlined in Section 4.7, *Hazards*, of the Draft EIR, demolition of the project site may affect asbestos-containing materials and/or lead-based paint. Mitigation measures (HAZ-1, HAZ-2, and HAZ-3) are included in the DEIR that address potential onsite contamination. No further action is required in this regard.

Response to Comment D-5

Any hazardous materials removed from or remediated on the project site will be handled according to current state regulations under the oversight of the DTSC, as part of the VWP outlined in Mitigation Measure HAZ-1.

Response to Comment D-6

Any hazardous materials removed from or remediated on the project site will be handled according to current state regulations under the oversight of the DTSC, as part of the VWP outlined in Mitigation Measure HAZ-1. This may include obtaining approval of the local Certified Unified Program Agency (CUPA), if necessary.

Response to Comment D-7

The project may include obtaining approvals as needed from the Regional Water Quality Control Board if it determined that contaminated soil and/or groundwater are present at the site. For issues related to water quality, see Section 4.8 *Hydrology and Water Quality*, and Appendix K and Appendix L of the Draft EIR.

Response to Comment D-8

As outlined in Section 4.7, *Hazards*, of the Draft EIR, demolition of the project site may include asbestos-containing materials and/or lead-based paint. The Draft EIR identifies mitigation in the case that contaminants are found. The mitigation includes provisions requiring work to be halted in areas where soil contamination is found, and appropriate health and safety provisions will be implemented as approved by DTSC. If contamination is found, remediation of the site shall be conducted by a licensed contractor in accordance with state and local guidelines. Any hazardous materials onsite will be handled according to current state and local regulations.

DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Boulevard, C-220
Ontario, California 91764
Phone (909) 484-0167
Fax (909) 481-2945

Letter E



April 11, 2007

RECEIVED

APR 16 2007

City of Yucaipa
PLANNING DIVISION
SCH#2806061065

Mr. Paul Toomey
City of Yucaipa Planning Division
34272 Yucaipa Blvd.
Yucaipa, CA 92399

Re: Draft Environmental Impact Report Oak Hills Marketplace, SCH#2806061065

Dear Mr. Toomey:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the above-referenced project concerning impacts to biological resources. The proposed project consists of the development of 63.66 acres into 613,304 square feet of commercial building space. The project also includes the realignment of 700-linear feet of Wildwood Creek and two alternatives for construction of the new alignment of the channel, a soft-bottom and rip-rap side slopes and a soft bottom and minimized rip-rap with vegetated side slopes. The project site is located east of Live Oak Canyon Rd. and south of the Interstate 10 freeway.

E-1

The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

The DEIR states that the realignment and hardening of the channel is due to the increased stormwater from upstream development have caused downcutting in Wildwood Creek. However, it is clear from Exhibits 3-3 and 2-3 that the purpose of the realignment of the creek to the project boundary is to create more developable land. It is also not clear to the Department why upstream development has not been mitigated to prevent downstream impacts. This creates the scenario that upstream development is allowed that then creates downstream impacts necessitating more streambed alterations downstream to accommodate any new development. This also creates the scenario where the stream becomes operated not as a natural resource but as a maintained flood control channel.

E-2

The document states on page 4.4-11 that the realignment and channelization of Wildwood Creek will have a "positive" impact on creek biology. The rationale for stating this is that the channelization will widen the stream channel and slow down flows, thus creating more opportunity for wildlife habitat. The document does not discuss a maintenance plan for the realigned creek, nor does it discuss improvements to existing culverts, etc. In addition, the document discusses the possibility (page 4.8-2) that the Yucaipa Valley Water District is

E-3

developing plans to divert stormwater flows from Wildwood Creek into percolation basins. If the proposed realignment includes physical features for water diversion, then the DEIR should include water diversion as a part of this project.

E-3
Cont.

The Department recommends the DEIR clearly describe potential temporary and permanent impacts to State jurisdictional streams and associated riparian habitat. Because impacts will occur to a State jurisdictional stream, the project applicant is required to notify the Department, pursuant to Section 1600 et seq. of the Fish and Game Code. The Department's issuance of a Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department, as a responsible agency under CEQA, may consider the local jurisdiction's (lead agency) EIR for the project. However, if the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream, as well as avoidance and mitigation measures need to be discussed within this CEQA document. The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating the following in the MND to avoid subsequent CEQA documentation and project delays:

E-4

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Section 151370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action,
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
- 5) Compensating for the impact by replacing or providing substitute resources or environments.

E-5

The DIER did not incorporate specific mitigation measures for these resources. In the absence of such analysis in CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of Section

15002. Also, because mitigation to offset the impacts were not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are “less than significant” without knowing what the specific mitigation measures are that will reduce those impacts. Therefore, the Department recommends the Lead Agency include the following mitigation measure in the MND.

Mitigation Measure for Stream and Associated Riparian Habitat Impacts:

Any unavoidable impacts to State jurisdictional streams and associated riparian habitat shall be compensated for with the creation or restoration of in-kind habitat on-site or off-site at a 2:1 or greater replacement-to-impact ratio.

The Department opposes the elimination of drainages and their associated habitats. The Department recommends avoiding stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 2:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department’s Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 590-5880.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter. Further coordination on 1600 Agreements is handled by Jeff Brandt, Environmental Scientist (909) 987-7161.

Sincerely,



Scott Dawson
Senior Environmental Scientist
Habitat Conservation Planning

cc: Jeff Brandt, CDFG
USFWS, Carlsbad
State Clearinghouse, Sacramento

E-5
Cont.

E-6

Letter E - California Department of Fish and Game (CDFG) (dated April 11, 2007)

Response to Comment E-1

The agency's characterization of the proposed OHM project is accurate, and the City recognizes the role that CDFG plays as both a Trustee and a Responsible agency.

Response to Comment E-2

Regardless of the cause for the severe deterioration of Wildwood Creek, the fact is that the creek has become terribly incised and needs to be stabilized. Stabilizing the channel is a very expensive endeavor and would likely not occur without some type of private development to fund the improvements. Therefore, if the channel were to be improved and paid for by a private funds, the developer would only be able to fund such improvements if the overall project provided enough revenues to support such an expensive infrastructure improvement. Additionally, the total area of developable land would not change, although the configuration of the developable land would change resulting in more developable land north of the Creek and less developable land south of the Creek. The final design of any creek improvements would be carefully designed and reviewed by multiple experts (consulting engineers, City Engineer, San Bernardino County Flood Control District, USACE, and CDFG). As long as the design and review process is appropriately implemented with each of the affected agencies, there should not be any adverse downstream impacts as a result of the creek realignment. Because of District policies, the channel may ultimately become more like a flood control channel and less of a natural resource, however any adverse impacts to the creek would be mitigated to the satisfaction of CDFG.

Response to Comment E-3

The maintenance of the flood control aspects of the channel (i.e., gabions, rip-rap, energy dissipaters, basins) will be maintained by the San Bernardino Flood Control District. Those areas of the channel and associated vegetated areas that are outside of Flood Control easement will be placed under a Conservation Easement. As discussed in Appendix F (Hydrology Report) of the DEIR, the undersize culverts were taken into consideration in the channel and basin designs. However, improvements to the culverts are not a part of this project. The information on page 4.8-2 regarding the YVWD initiatives to capture stormwater flows in Wildwood Creek for groundwater recharge was provided for informational purposes. Groundwater recharge is not a part of this project. Plans for groundwater recharge are under the purview of the YVWD and would be subject to a separate approval process including CEQA, if such action were considered a project under CEQA.

Response to Comment E-4

Impacts to streambed

Appendix G of the Draft EIR provides a delineation of jurisdictional streambed within the project site, delineating 11.5 acres of impacts (Exhibit 7 of Appendix G). Exhibit 6 of Appendix F of the DEIR provides an estimation of habitat type that would be impacted by the creek realignment. It is estimated that approximately 3 acres of streambed vegetated with ornamental woodland would be temporarily impacted at the western end of the creek. Realignment at this end of the creek is

minimized and impacts would include rip-rap to portions of the banks, an outlet structure and drop structure (Exhibit 4 of Appendix G). The remaining approximately 8.5 acres would be filled and realigned and are comprised of the following habitat types: 3.5 acres of unvegetated channel, 5.1 acres of mulefat scrub, 2.7 acres of Riversidean sage scrub, 0.6 acre of Riversidean alluvial fan sage scrub.

Avoidance

The existing channel condition is extremely unstable with heavy side scour and erosion which continually widen and deepen the channel. Thus, regardless of development along the creek, the heavy scour and erosive condition of the existing creek warrant flood control improvement and management to eliminate further extensive loss of valuable land and risk of personal injury. The Master Plan of Drainage (MPD) of the City of Yucaipa recognizes this, and the MPD proposes a rip-rap channel with grade control dam. The project's proposed modifications to the channel improve upon the MPD plan for the channel by developing a soft-bottom vegetated channel with partially rock-lined banks. The project deviates from the MPD in its plan to realign the channel; however, this enhances the environmental values by connecting the channel to the hillside open space south of the project site. Additionally, estimates of earthwork quantities and costs indicate that it would be infeasible to improve the channel in the existing alignment. The proposed alignment achieves channel stabilization in the most cost effective manner while efficiently utilizing the commercial land. Although the project does not avoid the channel under existing conditions, it improves upon the planned modifications to the channel as described in the MPD, and provides for a development that makes the modifications economically feasible.

Mitigation Measure

The following mitigation measure has been added to the EIR and the MMRP:

- BIO-6** Mitigation for impacts to jurisdictional streambed will be coordinated through CDFG during application for a Streambed Alteration Agreement. Mitigation is expected to consist of creation, enhancement, or preservation. Mitigation will be accomplished through a combination of on site creation and enhancement, and purchase of off-site mitigation credits, if necessary. On site mitigation will include vegetating the banks of the channel and the floodplain areas with native riparian vegetation wherever feasible and practicable. Those areas of the channel and associated mitigation areas that are outside of Flood Control easement will be placed under a Conservation Easement. The balance of the mitigation, if any, as determined by CDFG, will be accomplished through purchase of off-site mitigation credits through an appropriate mitigation bank.

In light of the additional mitigation measures set forth in the FEIR, CDFG should now possess all the information it needs to discharge its duties as a Trustee and Responsible Agency.

Response to Comment E-5

Please see response to comment E-4.

Response to Comment E-6

The City acknowledges the Department's opposition to the elimination of drainages and associated habitats. The City is also aware of the need of a Streambed Alteration Agreement. Discussions have been initiated with CDFG regarding mitigation for impacts to Wildwood Creek and mitigation (BIO-6) is incorporated into the FEIR and MMRP.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov



FAXED: APRIL 13, 2007

Letter F

April 13, 2007

Mr. Paul Toomey
City of Yucaipa
Planning Division
34272 Yucaipa Boulevard
Yucaipa, CA 92399

RECEIVED

APR 23 2007

City of Yucaipa
PLANNING DIVISION

Dear Mr. Toomey:

Draft Environmental Impact Report (DEIR) for Oak Hills Marketplace Yucaipa: February 2007

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

F-1

SCAQMD staff is concerned that the air quality analysis is incomplete. Specifically, the lead agency has not analyzed the exhaust emissions from the trucks that will be transporting several thousand cubic yards of soil to and from the project site during site grading.

F-2

Attached, please find detailed comments on the DEIR. Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Environmental Impact Report. The SCAQMD would be available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

F-1

Sincerely

Susan Nakamura
Planning & Rules Manager
Planning, Rule Development & Area Sources

Attachment
SS: CB

SBC070228-01
Control Number

**Draft Environmental Impact Report for the
Oak Hills Marketplace: Yucaipa
(February 2007)**

1. Cancer Risks

Please note that SCAQMD Rules 201 and 203 require that gas/service stations apply for a permit to construct and operate. SCAQMD Rule 1401 – New Source Review of Toxic Air Contaminants, also requires the health risk from the gas station to not exceed 10 in one million if the gas station includes T-BACT.

F-3

2. Project Description and URBEMIS Input/Output Data

On page 2-3 of the DEIR, the proposed project is described as occupying 613,304 square feet of building space on approximately 63.66 acres. The 63.66 acres comprise 61.33 acres of buildable land and 2.34 acres of right-of-way. The lead agency used 80 acres, however, to represent the total project acreage in the URBEMIS model run. Please address this discrepancy in the Final EIR.

F-4

3. Construction Truck Emissions:

In Section 4.15 – Transportation, Circulation and Parking, the lead agency indicates that project construction will require the import of 638,292 cubic yards of soil from off site and the export of 65,390 cubic yards of soil. The lead agency does not quantify these truck trips nor their impacts on air quality. The air quality analysis is incomplete without quantification of the emissions from these truck trips.

F-2

Please provide data on the number of trucks that would be involved in hauling the soil both to and from the project site, the distances to be covered by these trucks, emission factors as well as the truck emissions in the Final EIR.

4. Diesel Truck Emissions and Health Risks:

The lead agency estimates on page 4.15-6, in section on Transportation, Circulation and Parking, of the DEIR that the proposed project will generate a total of 33,446 average daily trips per day at buildout. Although the lead agency does not provide a breakdown of the vehicles by vehicle type, the proposed 613,304-sq. ft. project which would include retail outlets for “two nationally known retail anchor tenants, a cinema, ... retail establishments and miscellaneous commercial uses”, (see page 2-3 of the DEIR), is most likely to include a sizeable number of trucks. The lead agency does not quantify potential truck trips nor does it provide any information on the number of trips by heavy-duty diesel trucks that would transport materials and supplies to the proposed major anchor tenants and the other retail outlets. The lead agency does not provide any data on these truck emissions.

F-5

Given that the California Air Resources Board (CARB) has designated diesel particulate as a carcinogen, the lead agency needs to demonstrate that the diesel emissions from these trucks will not pose a health (cancer) risk to the residential community located to the north of the proposed project site. SCAQMD staff therefore recommends that the lead agency perform an air toxics health risk analysis of the diesel truck emissions for the proposed project. The

SCAQMD has developed a methodology for estimating cancer risks from mobile sources entitled *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions* which can be accessed at the SCAQMD website: www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. The fueling station also generates fugitive gasoline dispensing emissions. The health risk from the fueling station is in addition to the incremental health risk from diesel delivery trucks and should also be addressed.

F-5
Cont.

4. Significant Operational Emissions

The emissions presented in Table 4.3-8 show that VOC, NO_x, CO and PM₁₀ and PM_{2.5} all exceed the SCAQMD significance thresholds and therefore the proposed project has significant operational air quality impacts. SCAQMD staff therefore recommends that the lead agency remove the discussion on pages 4.3-17 and 4.15-12 that discount these impacts as being less than significant.

F-6

5. Mitigating The Proposed Project's Operational Emissions:

Given that the proposed project's long-term emissions are significant, SCAQMD staff recommends that the lead agency consider the following additional mitigation measures wherever feasible:

- Require the use of newer, lower-emitting trucks for the delivery of materials and supplies to the facility.
- Require trucks to be offloaded promptly to prevent trucks idling for longer than five minutes in compliance with state law.
- Use light-colored roofing materials to deflect heat and conserve energy.
- Install solar panels on roofs to supply electricity for air conditioning.
- Install central water heating systems to reduce energy consumption.
- Install high energy-efficient appliances, such as water heaters, refrigerators, furnaces and boiler units.
- Use double-paned windows to reduce thermal heat.
- Install automatic lighting on/off controls and energy-efficient lighting.
- Provide electrical hook-ups for trucks that need to cool their load.
- Electrify auxiliary power units.
- Electrify service equipment at facility.
- Require retail tenants to provide flyers and pamphlets for truck drivers educating them on the health effects of diesel particulate and the importance of being a good neighbor.

F-7

Additionally, SCAQMD staff recommends that the lead agency directly incorporate the policies and programs outlined in the Yucaipa General Plan's air quality element on pages 4.3-19 through 4.3-21 of the DEIR that encourage employee ridesharing and transit use. These should be listed in the Final EIR as part of the mitigation measures for the proposed project.

Letter F - South Coast Air Quality Management District (SCAQMD) (dated April 13, 2007)

Response to Comment F-1

The City appreciates the comments submitted by the SCAQMD on the proposed project.

Response to Comment F-2

The SCAQMD indicated that the DEIR did not quantify the air emissions from the offsite truck trips for the import and export of soil. The DEIR indicates that approximately 638,292 cubic yards of soil would be imported from offsite (page 2 of the Air Quality Appendix and page 4.15-12). This “offsite” location is actually soil from the land in the hills adjacent to the southern boundary of the project site. This was modeled in URBEMIS using onsite grading because the distance between the source of the soil and the project site is minimal and is considered “onsite” for air quality purposes. As indicated on page 2 of the Air Quality Appendix, more earth will be cut than will be needed to fill; therefore, the emissions from the export of 65,390 cubic yards was calculated in URBEMIS and was included in the emissions in the DEIR.

Response to Comment F-3

The project applicant will apply for a permit to operate and construct the proposed gas/service station. In addition, the applicant for the gasoline station will conduct the appropriate risk assessment pursuant to SCAQMD Rule 1401 and guidelines (<http://www.aqmd.gov/prdas/Risk%20Assessment/RiskAssessment.html>).

Response to Comment F-4

The SCAMQD is correct in noting that the URBEMIS printout indicates that the project consists of 80 acres. This is a typographical error. The error does not change the emissions estimates. As discussed on page 2 of the Air Quality Modeling (Appendix E of the DEIR), the fugitive dust emissions were generated using the “low” level of detail as opposed to the “default” setting of 10 pounds per acre of disturbed acreage.

Response to Comment F-5

In response to the SCAQMD comment letter, a Health Risk Assessment (HRA) has been prepared for the OHM project. According to the HRA (Appendix A of this FEIR), project operations will not exceed the SCAQMD’s Localized Significance Thresholds for the criteria pollutants of CO, NO_x, PM₁₀, and PM_{2.5}; and project operations will not exceed the SCAQMD’s lifetime cancer risk at the maximally exposed sensitive receptor or worker.

Response to Comment F-6

The SCAQMD is correct in indicating that VOC, NO_x, CO, PM₁₀, and PM_{2.5} exceed the SCAQMD regional operational significance thresholds. The significance of the exceedance is discussed in the Air Quality Management Plan compliance section (pages 4.3-17 through 4.3-19), the cumulative section (page 5-5), and the summary section (page 4.3-25).

The discussion on page 4.3-17 assesses the *health impacts* from project emissions during operation. The DEIR indicates that even though the project exceeds the regional operational thresholds, it does not mean that the project will cause substantial health effects in the population from exposure to those pollutants. This is supported by the Health Risk Assessment prepared in response to the SCAQMD comment (see Response to Comment F-5). Therefore, the discussion on page 4.3-17 is valid and should remain.

The DEIR does indicate that the project would create cumulatively considerable impacts to ozone in the area (page 5-5). This assessment of the cumulative health impacts from ozone is valid and should remain.

The SCAMQD indicates that the discussion on page 4.15-12 that discounts these impacts should be removed. However, the discussion on page 4.15-12 is in regard to short-term construction traffic. The DEIR determined that the traffic from this short-term export of soil was temporary and less than significant.

Response to Comment F-7

The SCAQMD recommends that the lead agency consider the following additional mitigation measures when feasible. An assessment of the feasibility of the suggested mitigation measures is summarized below.

SCAQMD Recommended Mitigation	Feasibility of Recommended Mitigation
Require the use of newer, lower-emitting trucks for the delivery of materials and supplies to the project site.	Not feasible. The companies that are to occupy the site (i.e., Target, Petco, etc.) have their own corporate and countrywide fleets. To change the entire fleet for one project would not be feasible.
Require trucks to be offloaded promptly to prevent trucks idling for longer than five minutes in compliance with state law.	Feasible. See mitigation AQ-15.
Use light-colored roofing materials to deflect heat and conserve energy.	Feasible. See mitigation AQ-14.
Install solar panels on roofs to supply electricity for air conditioning.	Not feasible at this time, as the plans for the affected retailers are near completion and to add such an extensive change at this point, could render the development fiscally infeasible.
Install central water heating systems to reduce energy consumption.	Feasible. See mitigation AQ-14.
Install high energy-efficient appliances, such as water heaters, refrigerators, furnaces, and boiler units.	Feasible. See mitigation AQ-14.
Use double-paned windows to reduce thermal heat.	Feasible. See mitigation AQ-14.
Install automatic lighting on/off controls and energy-efficient lighting.	Feasible. See mitigation AQ-14.

SCAQMD Recommended Mitigation	Feasibility of Recommended Mitigation
Provide electrical hook-ups for trucks that need to cool their load.	Feasible. See mitigation AQ-14.
Electrify auxiliary power units.	Not feasible. Auxiliary power units are devices on vehicles that provide energy for purposes other than propulsion. To require the use of these would not be feasible because the corporate fleets of the occupants traverse the entire United States and visit many other stores, many of which would not support auxiliary power units.
Electrify service equipment at facility.	Feasible. See mitigation AQ-15.
Require retail tenants to provide flyers and pamphlets to truck drivers educating them on the health effects of diesel particulate matter and the importance of being a good neighbor.	Feasible. Refer to mitigation AQ-15.

Some of these mitigation measures may be required as part of Title 24; however, to ensure that the SCAQMD recommended measures are followed, they are contained herein as mitigation measures, and have been added to the MMRP.

The SCAQMD also recommends that the lead agency incorporate the policies and programs outlined in the Yucaipa General Plan’s air quality element, which are contained in pages 4.3-19 through 4.3-21 of the DEIR that encourage employee ridesharing and transit use. Measures AQ-16 and AQ-17 have been included to comply with the General Plan.

As suggested by the SCAQMD, the following mitigation measures shall be included in the Final EIR and the MMRP, as follows:

AQ-14 Prior to issuing individual occupancy permits, the project proponent shall provide verification that each establishment that is at least 10,000 square feet in size complies with the following:

- Use light-colored roofing materials to deflect heat and conserve energy.
- Install central water heating systems to reduce energy consumption.
- Install high energy-efficient appliances, such as water heaters, refrigerators, furnaces, and boiler units.
- Use double-paned windows to reduce thermal heat.
- Install automatic lighting on/off controls and energy-efficient lighting.
- This measure shall be implemented to the satisfaction of the City Community Development Director.

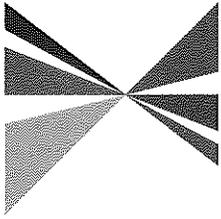
AQ-15 To reduce emissions from deliver trucks and materials handling, the following shall be complied with in accordance with the SCAQMD:

- Delivery trucks shall be offloaded promptly to prevent trucks idling for longer than five minutes in compliance with California law.
- All loading docks shall have signs posted that prohibit trucks idling for more than 5 minutes.
- Electrical hookups shall be provided for all establishments that would require deliveries from transportation refrigeration units (TRUs).
- Retail tenants shall provide flyers and pamphlets to delivery truck drivers educating them on the health effects of diesel particulate matter and the importance of being a good neighbor.
- Each establishment that is greater than 5,000 square feet shall use electrified materials handling service equipment (i.e., forklifts) and/or best available technology (BAT) as equipment is retired and replaced.

Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.

AQ-16 Each business on the project site shall be a part of the Oak Hills Transportation Management Association (TMA). The Oak Hills TMA shall be initiated and maintained by Target. The TMA will encourage and coordinate carpooling. Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.

AQ-17 To reduce vehicle trips, all establishments over 5,000 square feet shall include an employee break room. Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.



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Ventura County: Linda Parks, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneeme

Orange County Transportation Authority: Art Brown, Buena Park

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

Letter G

13 April 2007

Mr. Paul Toomey
City of Yucaipa
Community Development Department, Planning Division
34272 Yucaipa Blvd.
Yucaipa, CA 92399

RE: SCAG Comments on the Notice of Completion and Availability of a Draft Environmental Impact Report (DEIR) for the Oak Hills Marketplace Preliminary Development Plan - SCAG No. I 20070128

Dear Mr. Toomey,

Thank you for submitting the Draft Environmental Impact Report (DEIR) for the Oak Hills Marketplace Preliminary Development Plan Project to the Southern California Association of Governments (SCAG) for review and comment. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

SCAG staff has reviewed the aforementioned DEIR, and has determined that the proposed project is regionally significant per the California Environmental Quality Act (CEQA) Guidelines (Section 15206). The proposed project considers the development of a shopping center encompassing more than 500,000 square feet of floor space. CEQA requires that EIRs discuss any inconsistencies between the proposed project and applicable general plans and regional plans (Section 15125 [d]). If there are inconsistencies, an explanation and rationalization for such inconsistencies should be provided.

Policies of SCAG's Regional Comprehensive Plan and Guide, Regional Transportation Plan, and Compass Growth Vision that may be applicable to your project are outlined in the attachment. We expect the EIR to specifically cite the appropriate SCAG policies and address the manner in which the project is consistent with applicable core policies or supportive of applicable ancillary policies. Please use our policy numbers to refer to them in your EIR. Also, we would encourage you to use a side-by-side comparison of SCAG policies with a discussion of the consistency or support of the policy with the proposed project.

SCAG's Compass Growth Vision, adopted in 2004, encourages better relationships between housing, transportation, and employment. For a clearer understanding of the intent of and possibilities with Compass, please consult our website, www.socalcompass.org in addition to the guidance offered in this letter.

Please provide a minimum of 45 days for SCAG to review the FEIR when this document is available. If you have any questions regarding the attached comments, please contact me at (213) 236-1919. Thank you.

Sincerely,
Jill Eggerman
Jill Eggerman
Associate Regional Planner, Intergovernmental Review

DOCS# 134356

G-1

G-2

**COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
 FOR THE OAK HILLS MARKETPLACE PRELIMINARY DEVELOPMENT PLAN PROJECT
 SCAG NO. I 20070128**

PROJECT DESCRIPTION

The proposed project includes a General Plan Amendment and a Preliminary Development Plan for a regional shopping center totaling roughly 613,000 square feet of building space on 61.33 acres of land. The proposed center would include, but is not limited to, two commercial anchors, additional retail and miscellaneous commercial uses, restaurants, and a cinema complex. The project includes onsite parking with access from Live Oak Canyon Road. The proposed project may also involve: realignment and channelization of Wildwood Creek; a new dedicated public street heading eastward in the southern portion of the site; relocation or replanting of oak trees; the use of soil from nearby hillsides to fill in the existing bed of Wildwood Creek; and improvements to Live Oak Canyon Road which is designated as a Scenic Corridor in the City's General Plan.

G-3

CONSISTENCY WITH REGIONAL COMPREHENSIVE PLAN AND GUIDE POLICIES

The **Growth Management Chapter (GMC)** of the Regional Comprehensive Plan and Guide (RCPG) contains the following policies that are particularly applicable and should be addressed in the DEIR for the Oak Hills Marketplace project.

3.01 *The population, housing, and jobs forecasts, which are adopted by SCAG's Regional Council and that reflect local plans and policies shall be used by SCAG in all phases of implementation and review.*

Regional Growth Forecasts

The DEIR should reflect the most current SCAG forecasts, which are the 2004 RTP (April 2004) Population, Household and Employment forecasts. The forecasts for your region, subregion, and city are as follows:

Adopted SCAG Regionwide Forecasts

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>
Population	19,208,661	20,191,117	21,137,519	22,035,416	22,890,797
Households	6,072,578	6,463,402	6,865,355	7,263,519	7,660,107
Employment	8,729,192	9,198,618	9,659,847	10,100,776	10,527,202

G-4

Adopted San Bernardino Association of Governments (SANBAG) Forecasts

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>
Population	2,059,420	2,229,700	2,397,709	2,558,729	2,713,149
Households	618,782	686,584	756,640	826,669	897,739
Employment	770,877	870,491	972,243	1,074,861	1,178,890

City of Yucaipa Forecasts

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>
Population	49,689	53,361	56,984	60,456	63,786
Households	17,659	19,638	21,686	23,738	25,824
Employment	10,130	11,290	12,468	13,657	14,862

* The 2004 RTP growth forecast at the regional, county and subregional level was adopted by RC in April, 2004. City totals are the sum of small area data and should be used for advisory purposes only.

SCAG staff comments: Section 6.3 of the DEIR discussed population, housing, and employment of the specific plan, and at page 6-2 stated:

“As outlined in Section 3.2, *Population, Housing, and Employment*, the project is consistent with SCAG’s growth projections for this area. The project is not expected to generate any new housing or new population, but will make a substantial contribution to new employment in the City of Yucaipa, as shown in Section 4.12, *Population, Housing, and Economic Impacts*.”

SCAG concludes that the project would be consistent with Policy 3.01

G-4

3.03 *The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region’s growth policies.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policy 3.03 of the RCPG, and at page 6-2 stated: “Construction of the proposed commercial uses will not require construction or installation of extensive new infrastructure.” SCAG concludes that the project would be consistent with Policy 3.03.

G-5

GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL STANDARD OF LIVING

The Growth Management goals to develop urban forms that enable individuals to spend less income on housing cost, that minimize public and private development costs, and that enable firms to be more competitive, strengthen the regional strategic goal to stimulate the regional economy. The evaluation of the proposed project in relation to the following policies would be intended to guide efforts toward achievement of such goals and does not infer regional interference with local land use powers.

G-6

3.04 *Encourage local jurisdictions’ efforts to achieve a balance between the types of jobs they seek to attract and housing prices.*

SCAG staff comments: It would be helpful if the FEIR included a discussion on types of jobs needed in the Yucaipa area, and the prices of residential units in the vicinity. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.04. Please address this in the Final EIR.

3.05 *Encourage patterns of urban development and land use that reduce costs of infrastructure construction and make better use of existing facilities.*

SCAG staff comments: Please see comments under Policy 3.10.

3.09 *Support local jurisdictions’ efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.*

SCAG staff comments: Please see comments under Policy 3.10.

G-7

3.10 *Support local jurisdictions’ actions to minimize red tape and expedite the permitting process to maintain economic vitality and competitiveness.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policies 3.05, 3.09, and 3.10 of the RCPG, and at page 6-3 stated: “The developer will be required to install the necessary roads, and no other major infrastructure will be required to be installed for this project.” SCAG concludes that the project would be consistent with Policies 3.05, 3.09, and 3.10.

GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL QUALITY OF LIFE

The Growth Management goals to attain mobility and clean air goals and to develop urban forms that enhance quality of life, that accommodate a diversity of life styles, that preserve open space and natural resources, and that are aesthetically pleasing and preserve the character of communities, enhance the regional strategic goal of maintaining the regional quality of life. The evaluation of the proposed project in relation to the following policies would be intended to provide direction for plan implementation, and does not allude to regional mandates.

- 3.11 *Support provisions and incentives by local jurisdiction to attract housing growth in job rich sub-regions and job growth in housing rich sub-regions.*

SCAG staff comments: It would be helpful if the Final EIR would provide a discussion and address the manner in which the project is supportive or detracts from the achievement of attracting job growth in the housing rich sub-region of SANBAG. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.11. Please address this in the Final EIR.

G-8

- 3.12 *Encourage existing or proposed local jurisdictions programs aimed at designing land uses which encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunities for residents to walk and bike.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policy 3.12 of the RCPG, and at page 6-4 stated: "The proposal to develop this vacant parcel into a commercial center to reduce commuting for shopping and is consistent with the stated regional quality of life polic[y]." SCAG concludes that the project would be consistent with Policy 3.12.

G-9

- 3.14 *Support local plans to increase density of future development located at strategic points along the regional commuter rail, transit systems, and activity centers.*

SCAG staff comments: It would be helpful if the FEIR included a discussion and address the manner in which the project is supportive or detracts from the achievement of plans to increase the density of future development located at strategic points along any planned regional transit systems, and activity centers. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.14. Please address this in the Final EIR.

G-10

- 3.15 *Support local jurisdictions' strategies to establish mixed-use clusters and other transit-oriented developments around transit stations and along transit corridors.*

SCAG staff comments: It would be helpful if the FEIR included a discussion and address the manner in which the project is supportive or detracts from the achievement of strategies to establish mixed-use clusters and other transit-oriented developments around planned transit stations and along planned or existing transit corridors. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.15. Please address this in the Final EIR.

G-11

- 3.17 *Support and encourage settlement patterns which contain a range of urban densities.*

SCAG staff comments: It would be helpful if the FEIR included a discussion and address the manner in which the project is supportive or detracts from the achievement of settlement patterns which contain a range of urban densities. Based on the information provided in the Draft EIR, we

G-12

- are unable to determine if the project is consistent with Policy 3.17. Please address this in the Final EIR. G-12
Cont.
- 3.18 *Encourage planned development in locations least likely to cause adverse environmental impact.*
- SCAG staff comments:** It would be helpful if the FEIR included a discussion and address the manner in which the project is supportive or detracts from the achievement of encouraging planned development in locations least likely to cause adverse impacts. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.18. Please address this in the Final EIR. G-13
- 3.19 *Support policies and actions that preserve open space areas identified in local, state, and federal plans.*
- SCAG staff comments:** It would be helpful if the FEIR included a discussion and address the manner in which the project is supportive or detracts from the achievement of supporting policies and actions that preserve open space areas identified in local, state, and federal plans. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.19. Please address this in the Final EIR. G-14
- 3.20 *Vital resources as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals should be protected.*
- SCAG staff comments:** It would be helpful if the FEIR included a discussion and address the manner in which the project is supportive or detracts from the achievement of protecting vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.20. Please address this in the Final EIR. G-15
- 3.21 *Encourage the implementation of measures aimed at the preservation and protection of the recorded and unrecorded cultural resources and archaeological sites.*
- SCAG staff comments:** Section 4.5 of the DEIR discussed cultural and paleontological resources, and Section 4.5.6 at pages 4.5-7 and 4.5-8 set out mitigation measures C-1 through C-5, which were "proposed to help prevent potential impacts to undiscovered paleontological or archaeological resources from becoming significant." SCAG concludes that the project would be consistent with Policy 3.21. G-16
- 3.22 *Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.*
- SCAG staff comments:** Section 4.6 of the DEIR discussed slopes and seismic hazards, Section 4.7 of the DEIR discussed fire hazards, and Section 4.8 discussed flood hazards. With implementation of mitigation measures, all impacts would be reduced to a level of less than significant. SCAG concludes that the project would be consistent with Policy 3.22. G-17
- 3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.* G-18

SCAG staff comments: Section 1.7 of the DEIR is the Summary of Mitigation Measures. Pages 1-13 through 1-22 sets out mitigation measures for reducing noise, for preservation of biological and ecological resources, for reducing exposure to seismic hazards, and for minimizing earthquake damage. Although there are not mitigation measures to develop emergency response and recovery plans for the project, SCAG concludes that the project would be consistent with Policy 3.23.

G-18
Cont.

GMC POLICIES RELATED TO THE RCPG GOAL TO PROVIDE SOCIAL, POLITICAL, AND CULTURAL EQUITY

The Growth Management Goal to develop urban forms that avoid economic and social polarization promotes the regional strategic goal of minimizing social and geographic disparities and of reaching equity among all segments of society. The evaluation of the proposed project in relation to the policy stated below is intended guide direction for the accomplishment of this goal, and does not infer regional mandates and interference with local land use powers.

3.27 *Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.*

G-19

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policy 3.27 of the RCPG, and at page 6-4 stated: "The proposed project will provide a variety of shopping and employment opportunities for this area which is dominated by residential development, so it is consistent with creating sustainable communities as outlined in [this] RCPG goal." SCAG concludes that the project would be consistent with Policy 3.27.

AIR QUALITY CHAPTER CORE ACTIONS

The Air Quality Chapter (AQC) core actions that are generally applicable to the Project are as follows:

5.07 *Determine specific programs and associated actions needed (e.g., indirect source rules, enhanced use of telecommunications, provision of community based shuttle services, provision of demand management based programs, or vehicle-miles-traveled/emission fees) so that options to command and control regulations can be assessed.*

G-20

SCAG staff comments: The Draft EIR does not provide a discussion on programs and actions needed to command and control regulations. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine if the Project is consistent with this core RCPG policy. Please address this in the Final EIR.

5.11 *Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policy 5.11 of the RCPG, and at page 6-6 stated:
"The analysis in Section 4.3, *Air Quality*, determined the project would produce significant long-term air pollutant emissions; however, project-related impacts were mitigated to the extent feasible, and the analysis in the EIR indicates the

G-21

project is generally consistent with this goal because it did examine air quality, land use and transportation impacts of the project.”
SCAG concludes that the project would be consistent with Policy 5.11.

G-21
Cont.

OPEN SPACE AND CONSERVATION CHAPTER

The **Open Space and Conservation Chapter** goals related to the proposed project include:

9.01 *Provide adequate land resources to meet the outdoor recreation needs of the present and future residents in the region and to promote tourism in the region.*

SCAG staff comments: Please see comments for Policy 9.03.

9.02 *Increase the accessibility to open space lands for outdoor recreation.*

SCAG staff comments: Please see comments for Policy 9.03.

9.03 *Promote self-sustaining regional recreation resources and facilities.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policies 9.01, 9.02, and 9.03 of the RCPG, and at page 6-6 stated: “The project is commercial but does propose 10.57 acres of improved open space. Therefore, the project is consistent with these policies.” SCAG concludes that the project would be consistent with Policies 9.01, 9.02, and 9.03.

9.04 *Maintain open space for adequate protection to lives and properties against natural and manmade hazards.*

SCAG staff comments: Please see comments for Policy 9.05.

9.05 *Minimize potentially hazardous developments in hillsides, canyons, areas susceptible to flooding, earthquakes, wildfire and other known hazards, and areas with limited access for emergency equipments.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policies 9.04 and 9.05 of the RCPG, and at page 6-6 stated: “The analyses in Section 4.6, *Geology and Soils*, on geotechnical constraints, and Section 4.8, *Hydrology*, on flooding determined that potential impacts could be reduced to less than significant levels, so the project is consistent with these policies.” SCAG concludes that the project would be consistent with Policies 9.04 and 9.05.

9.07 *Maintain adequate viable resource production lands, particularly lands devoted to commercial agriculture and mining operations.*

SCAG staff comments: Please see comments for Policy 9.08.

9.08 *Develop well-managed viable ecosystems or known habitats of rare, threatened and endangered species, including wetlands.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policies 9.07 and 9.08 of the RCPG, and at page 6-7 stated:

“The project is vacant and contains largely disturbed vegetation. The project site does contain Wildwood Creek which will be realigned and preserved in this site.

G-22

G-23

G-24

The project will not preserve existing agricultural uses, but the City's General Plan indicates agriculture is a "holding zone" until suburban development is proposed. There is also no County-wide Multiple Species Habitat Conservation Plan yet. Therefore the proposed project is partially consistent with these policies."

SCAG concurs with this assessment, and concludes that the project would be partially consistent with Policies 9.07 and 9.08.

G-24
Cont .

WATER QUALITY CHAPTER RECOMMENDATIONS AND POLICY OPTIONS

The **Water Quality Chapter** goals related to the proposed project include:

11.07 *Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.*

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with policy 11.07 of the RCPG, and at page 6-7 stated:

"Reclaimed water is available in the vicinity of the project. Development of the site may require incrementally increased reliance on imported water until the local groundwater basin overdraft is eliminated. However, the project will install required water conservation devices and implement water conservation policies as required by the City of Yucaipa and/or the Yucaipa and/or the Yucaipa Valley Water District. The project will also install a dual irrigation system so it can eventually take advantage of reclaimed water when it is available. Therefore, the proposed project is consistent with this policy."

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 11.07.

G-25

REGIONAL TRANSPORTATION PLAN

The 2004 Regional Transportation Plan (RTP) also has goals and policies that are pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

RTP Goals

- Maximize mobility and accessibility for all people and goods in the region.
- Preserve and ensure a sustainable regional transportation system.
- Maximize the productivity of our transportation system.
- Protect the environment, improve air quality and promote energy efficiency.
- Encourage land use and growth patterns that complement our transportation investments.

G-26

RTP Policies

- Transportation investments shall be based on SCAG's adopted Regional Performance Indicators.

<u>Performance Indicator</u>	<u>Performance Measures</u>	<u>Definition</u>	<u>Performance Outcome</u>
Mobility	• Average Daily Speed	Speed-experienced by travelers regardless of mode.	10% Improvement
	• Average Daily Delay	Delay-excess travel time resulting from the difference between a reference speed and actual speed. Total daily delay and daily delay per capita are indicators used.	40% Improvement
Accessibility	• Percent PM peak work trips within 45 minutes of home		Auto 90% Transit 37%
	• Distribution of work trip travel times		Auto 8% Improvement Transit 8% Improvement
Reliability	• Percent variation in travel time	Day-to-day change in travel times experienced by travelers. Variability results from accidents, weather, road closures, system problems and other non-recurrent conditions.	10% Improvement
Safety	• Accident Rates	Measured in accidents per million vehicle miles by mode.	0.3% Improvement
<u>Performance Indicator</u>	<u>Performance Measures</u>	<u>Definition</u>	<u>Performance Outcome</u>
Cost Effectiveness	• Benefit-to-Cost (B/C) Ratio	Ratio of benefits of RTP investments to the associated investments costs.	\$3.08
Productivity	• Percent capability utilized during peak conditions	Transportation infrastructure capacity and services provided.	20% Improvement at known bottlenecks
		<ul style="list-style-type: none"> • Roadway Capacity - vehicles per hour per lane by type of facility. • Transit Capacity - seating capacity utilized by mode. 	N/A
Sustainability	• Total cost per capita to sustain current system performance	Focus in on overall performance, including infrastructure condition. Preservation measure is a sub-set of sustainability.	\$20 per capita, primarily in preservation costs
Preservation	• Maintenance cost per capita to preserve system at base year conditions	Focus is on infrastructure condition. Sub-set of sustainability.	Maintain current conditions
Environmental	• Emissions generated by travel	Measured/forecast emissions include CO, NOX, PM10, SOX and VOC. CO2 as secondary measure to reflect greenhouse emissions.	Meets conformity requirements
Environmental Justice	• Expenditures by quintile and ethnicity	Proportionate share of expenditures in the 2004 RTP by each quintile.	No disproportionate impact to any group or quintile
	• Benefit vs. burden by quintiles	Proportionate share of benefits to each quintile ethnicity.	

G-26
 Cont.

Proportionate share of additional
airport noise by ethnic group.

- Ensuring safety, adequate maintenance, and efficiency of operations on the existing multi-modal transportation system will be RTP priorities and will be balanced against the need for system expansion investments.
- RTP land use and growth strategies that differ from currently expected trends will require a collaborative implementation program that identifies required actions and policies by all affected agencies and sub-regions.

SCAG staff comments: Section 6.3 of the DEIR discussed the consistency of the project with the policies of the 2004 RTP, and at page 6-5 stated:

“The proposed project is adjacent to the I-10 Freeway and will provide park and ride spaces for commuters. This center will provide a variety of shopping and employment opportunities for area residents, and will encourage use of alternative transit by eventually having bus stops on Live Oak Canyon road, as needed by the local transit agency. Therefore, this project is consistent with these transit and other transportation-oriented RTP policies.”

SCAG concludes that the project would be consistent with the policies and goals of the RTP.

G-26
Cont.

GROWTH VISIONING

The fundamental goal of the Compass Growth Visioning effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and **sustain** for future generations the region's **mobility, livability** and **prosperity**. The following “Regional Growth Principles” are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

Principle 1: Improve **mobility** for all residents

- Encourage transportation investments and land use decisions that are mutually supportive.
- Locate new housing near existing jobs and new jobs near existing housing.
- Encourage transit-oriented development.
- Promote a variety of travel choices

Principle 2: Foster **livability** in all communities

- Promote infill development and redevelopment to revitalize existing communities.
- Promote developments, which provide a mix of uses.
- Promote “people scaled,” walkable communities.
- Support the preservation of stable, single-family neighborhoods.

Principle 3: Enable **prosperity** for all people

- Provide, in each community, a variety of housing types to meet the housing needs of all income levels.
- Support educational opportunities that promote balanced growth.
- Ensure environmental justice regardless of race, ethnicity or income class.
- Support local and state fiscal policies that encourage balanced growth
- Encourage civic engagement.

G-27

Principle 4: Promote **sustainability** for future generations

- Preserve rural, agricultural, recreational and environmentally sensitive areas.
- Focus development in urban centers and existing cities.
- Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.
- Utilize "green" development techniques.

SCAG staff comments: The Draft EIR does not provide a discussion on how the Oak Hills Marketplace project will promote the four principles of the Compass Growth Vision. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the achievement of these principles, and how the Project is implementing the related strategies. Based on the information provided in the Draft EIR, we are unable to determine if the Project is consistent with the Compass Growth Vision Principles. Please address this in the Final EIR.

G-27
Cont.

CONCLUSIONS

1. All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA.

G-28

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Roles and Authorities

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) is a **Joint Powers Agency** established under California Government Code Section 6502 et seq. Under federal and state law, SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). SCAG's mandated roles and responsibilities include the following:

SCAG is designated by the federal government as the Region's **Metropolitan Planning Organization** and mandated to maintain a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program pursuant to 23 U.S.C. '134, 49 U.S.C. '5301 et seq., 23 C.F.R. '450, and 49 C.F.R. '613. SCAG is also the designated **Regional Transportation Planning Agency**, and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080 and 65082 respectively.

SCAG is responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the **South Coast Air Quality Management Plan**, pursuant to California Health and Safety Code Section 40460(b)-(c). SCAG is also designated under 42 U.S.C. '7504(a) as a **Co-Lead Agency** for air quality planning for the Central Coast and Southeast Desert Air Basin District.

SCAG is responsible under the Federal Clean Air Act for determining **Conformity** of Projects, Plans and Programs to the State Implementation Plan, pursuant to 42 U.S.C. '7506.

Pursuant to California Government Code Section 65089.2, SCAG is responsible for **reviewing all Congestion Management Plans (CMPs) for consistency with regional transportation plans** required by Section 65080 of the Government Code. SCAG must also evaluate the consistency and compatibility of such programs within the region.

SCAG is the authorized regional agency for **Inter-Governmental Review** of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12,372 (replacing A-95 Review).

SCAG reviews, pursuant to Public Resources Code Sections 21083 and 21087, Environmental Impacts Reports of projects of regional significance for consistency with regional plans [California Environmental Quality Act Guidelines Sections 15206 and 15125(b)].

Pursuant to 33 U.S.C. '1288(a)(2) (Section 208 of the Federal Water Pollution Control Act), SCAG is the authorized **Areawide Waste Treatment Management Planning Agency**.

SCAG is responsible for preparation of the **Regional Housing Needs Assessment**, pursuant to California Government Code Section 65584(a).

SCAG is responsible (with the Association of Bay Area Governments, the Sacramento Area Council of Governments, and the Association of Monterey Bay Area Governments) for preparing the **Southern California Hazardous Waste Management Plan** pursuant to California Health and Safety Code Section 25135.3.

Revised July 2001

Letter G - Southern California Association of Governments (dated April 13, 2007)

Response to SCAG Comment E-1

The City acknowledges SCAG's role in regional policy planning and implementation. SCAG did not submit a letter during the 30-day Notice of Preparation (NOP) comment period. The City acknowledges that SCAG has determined that the proposed project is regionally significant. The Draft EIR evaluated many of the regional issues of concern to SCAG. In designing the OHM, the City and the developer considered SCAG policies and objectives, and ultimately incorporated several design features and mitigation measures that meet these objectives. In addition, the following responses evaluate the project for consistency with the SCAG policies in the order outlined in the SCAG Draft EIR comment letter.

Response to Comment G-2

In accordance with CEQA Guidelines, the City will give SCAG at least ten days to review the Final EIR.

Response to Comment G-3

This is an accurate account of the OHM project description.

Response to Comment G-4

Section 4.12, Population, Housing and Economics, of the DEIR addresses the population forecasts as mentioned in the SCAG comment letter. The SCAG comment letter states that, "SCAG concludes that the project would be consistent with Policy 3.01." Therefore, no further response is warranted.

Response to Comment G-5

Section 6.3, Consistency with SCAG Growth Policies, of the DEIR addresses public infrastructure improvements as mentioned in the SCAG comment letter. The SCAG comment letter states that, "SCAG concludes that the project would be consistent with Policy 3.03." Therefore, no further response is warranted.

Response to Comment G-6

The average price of homes in the City of Yucaipa is 414,900 (<http://realestate.yahoo.com/California/Yucaipa>). The amount of income required to purchase a home of that price varies depending on the type of financing, amount of down payment, etc. Typically, with commercial and retail jobs, there is a wide variety of jobs titles (cashiers, stock clerks, janitors, managers, etc.) that encompass a wide range of salaries. Some of the employees of the shopping center would be in a high enough salary range to afford a home in the area, but not all employees would be able to purchase a home. However, many of the future employees of the center would likely already live in the area (primarily Redlands and Yucaipa), and would not necessarily be in the market for a new home. The project is therefore generally consistent with SCAG policy 3.04.

Response to Comment G-7

Section 6.3, Consistency with SCAG Growth Policies, of the DEIR addresses policies 3.05, 3.09 and 3.10 as mentioned in the SCAG comment letter. The SCAG comment letter states that, “SCAG concludes that the project would be consistent with Policies 3.05, 3.09 and 3.10.” Therefore, no further response is warranted.

Response to Comment G-8

As stated on page 4.12-2 of the DEIR, OHM will act as a sub-regional retail center that will provide goods, services, employment opportunities, and sales tax revenue not presently available in the City of Yucaipa. The project supports job growth in the City of Yucaipa. Therefore, the proposed OHM is generally consistent with SCAG policy 3.11.

Response to Comment G-9

Section 6.3, Consistency with SCAG Growth Policies, of the DEIR addresses policy 3.12 as mentioned in the SCAG comment letter. The SCAG comment letter states that, “SCAG concludes that the project would be consistent with Policy 3.12.” Therefore, no further response is warranted.

Response to Comment G-10

Currently, the City of Yucaipa public transit is limited to Omnitrans bus service. Bus service does not currently extend to the project site. However, mitigation for consultation with Omnitrans is included in the DEIR. The purpose of this consultation is to work with Omnitrans for potential bus stops and routes south of the I-10 freeway. At this time, development south of the freeway does not warrant bus service, however, if the OHM and the FCSP are approved and implemented, bus service to this area would be a greater necessity. In this respect, the project supports SCAG policy 3.14.

Response to Comment G-11

The proposed OHM commercial/retail project is designed to support existing and planned residential use within the vicinity. The Freeway Corridor Specific Plan (FCSP) surrounds the OHM project. The FCSP contains a variety of housing types and would be physically linked to the OHM via roads and pedestrian trails. The OHM project would support SCAG goal 3.15 in that it would provide commercial and retail business within close proximity to the residential component of the planned FCSP.

Response to Comment G-12

The proposed OHM does not contain residential use. The commercial project is designed to support existing and planned residential use within the vicinity. The Freeway Corridor Specific Plan (FCSP) surrounds the OHM project. The FCSP contains a variety of housing types and would be physically linked to the OHM via roads and pedestrian trails. The OHM project would support SCAG goal 3.17 in that it would provide commercial and retail for the planned FCSP.

Response to Comment G-13

The adverse and unavoidable impacts associated with the proposed OHM would be to aesthetics, agriculture and air quality. These particular environmental impacts would likely occur regardless of where the project took place. Agricultural impacts would occur because so much of the Inland Empire has formerly been used for agriculture. Aesthetic impacts would occur nearly anywhere that natural vacant land would be developed. Air quality impacts would be consistent regardless of the location within the South Coast Air Basin. Therefore, it is difficult to avoid each of these environmental impacts, regardless of where the project is located in the Inland Empire.

Response to Comment G-14

The proposed OHM project develops land that is designated for commercial development and will be eventually surrounded by suburban type development. Therefore, the project does not conflict with SCAG policy 3.19.

Response to Comment G-15

The proposed OHM project is consistent with SCAG policy 3.20. The DEIR includes mitigation and describes standard regulatory practices that mitigate potential impacts to vital resources as described in SCAG policy 3.20.

Response to Comment G-16

Section 4.5, Cultural Resources, of the DEIR addresses policy 3.21 as mentioned in the SCAG comment letter. The SCAG comment letter states that, "SCAG concludes that the project would be consistent with Policy 3.21." Therefore, no further response is warranted.

Response to Comment G-17

Section 4.6 (Geology and Soils) and Section 4.7 (Hazards) of the DEIR addresses Policy 3.22 as mentioned in the SCAG comment letter. The SCAG comment letter states that, "SCAG concludes that the project would be consistent with Policy 3.22." Therefore, no further response is warranted.

Response to Comment G-18

The DEIR includes mitigation that reduce the impacts listed in SCAG Policy 3.23. The SCAG comment letter states that, "SCAG concludes that the project would be consistent with Policy 3.22." Therefore, no further response is warranted.

Response to Comment G-19

As explained in Section 6.3 of the DEIR, the proposed OHM project supports SCAG Policy 3.23. The SCAG comment letter states that, "SCAG concludes that the project would be consistent with Policy 3.22." Therefore, no further response is warranted.

Response to Comment G-20

The City acknowledges the need to consider multiple air quality, land issue, transportation, and economic relationships to ensure consistency and to minimize conflicts. The Draft EIR for the

proposed project evaluated the environmental impacts of the project using applicable levels of government (local, county, regional, etc.), and coordinated with responsible agencies and the community for both the environmental analysis and developing the mitigation measures. For example, the DEIR addresses the impacts to air quality in relation to the current Air Quality Management Plan (beginning on page 4.3-17 of the DEIR). The DEIR also discusses applicable South Coast Air Quality Management District regulations that apply to the project and mitigation is included in the DEIR that support these regulations. In this manner, the project is consistent with SCAG Policy 5.07.

Response to Comment G-21

As explained in Section 6.3 of the DEIR, the proposed OHM project supports SCAG Policy 5.11. The SCAG comment letter states that, “SCAG concludes that the project would be consistent with Policy 5.11.” Therefore, no further response is warranted.

Response to Comment G-22

As explained in Section 6.3 of the DEIR, the proposed OHM project supports SCAG Policies 9.01, 9.02, and 9.03. The SCAG comment letter states that, “SCAG concludes that the project would be consistent with Policies 9.01, 9.02, and 9.03.” Therefore, no further response is warranted.

Response to Comment G-23

As explained in Section 6.3 of the DEIR, the proposed OHM project supports SCAG Policies 9.04 and 9.05. The SCAG comment letter states that, “SCAG concludes that the project would be consistent with Policies 9.04 and 9.05.” Therefore, no further response is warranted.

Response to Comment G-24

As explained in Section 6.3 of the DEIR, the proposed OHM project supports SCAG Policies 9.07 and 9.08. The SCAG comment letter states that, “SCAG concludes that the project would be consistent with Policies 9.07 and 9.08.” Therefore, no further response is warranted.

Response to Comment G-25

As explained in Section 6.3 of the DEIR, the proposed OHM project supports SCAG Policy 11.07. The SCAG comment letter states that, “SCAG concludes that the project would be consistent with Policy 11.07.” Therefore, no further response is warranted.

Response to Comment G-26

As explained in Section 6.3 of the DEIR, the proposed OHM project supports the Regional Transportation Plan (RTP). The SCAG comment letter states that, “SCAG concludes that the project would be consistent with the policies and goals of the RTP.” Therefore, no further response is warranted.

Response to Comment G-27

Section 4.15 *Transportation, Circulation, and Parking* of the Draft EIR examined the project relative to these issues and determined that with mitigation the project would not have significant impacts on non-vehicular access, transit, or roads. The fundamental goal of the Compass Growth Visioning effort is to make the SCAG region a better place to live, work and play. The project will make fair share contributions and/or construct various roadway and intersection improvements that will help the area achieve traffic congestion standards in the future. Therefore, the fair share contributions effectively mitigate the project's direct and proportional share of impacts to traffic and circulation in the surrounding area, and in this regard the proposed project is consistent with SCAG's "Growth Visioning" principals of mobility, livability, prosperity, and sustainability. The project is also consistent with the Compass Growth Visioning principles as shown in the examples below:

- The project will provide jobs for the planned FCSP;
- The project will have pedestrian links to the residential areas of the FCSP;
- The project will stimulate Omnitrans bus service to the area.
- The project includes improvements to existing bike lanes;
- The project will implement "green" development strategies like using non-potable water and exceeding Title 24 requirements.

Response to Comment G-28

The Draft EIR describes how the project will implement all recommended and feasible mitigation measures, and if the project is approved, the City will rely on the Mitigation Monitoring and Reporting Program (MMRP) (Section 5 of this FEIR) in order to ensure that the mitigation measures are implemented in a timely manner.

Note that the last page of SCAG's letter outlines their authority and responsibilities, and does not contain specific comments on the OHM Draft EIR.

DEPARTMENT OF PUBLIC WORKS
FLOOD CONTROL • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION

COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP



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PATRICK J. MEAD
Director of Public Works

April 16, 2007

City of Yucaipa
Community Development Department, Planning Division
Attn.: Paul Toomey
34272 Yucaipa Boulevard
Yucaipa, CA 92399

RECEIVED

APR 19 2007

City of Yucaipa
PLANNING DIVISION
File #10(ENV)-4.01

RE: NOTICE OF COMPLETION AND AVAILABILITY OF DRAFT EIR FOR OAK HILLS MARKETPLACE
PRELIMINARY DEVELOPMENT PLAN

Dear Mr. Toomey:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project.

The following are comments on your proposal from our Flood Control Planning Division:

- 1. The District facilities map shows the alignment along Wildwood Creek is a proposed channel and is classified as a regional facility. H-1
- 2. A permit will be required from the District if the proposed Wildwood Creek facility is to be operated and maintained by the District. H-2
- 3. Adequate right-of-way shall be granted to the San Bernardino County Flood Control District. H-3
- 4. Discharge should be verified with Water Resources Division for ultimate condition, of proposed channel improvements. H-4
- 5. Proposed detention basin profile shows access road with of 12 feet; it should be 20 feet as stated in District Detention Basin criteria. H-5
- 6. Please note the City of Yucaipa Master Plan of Drainage has not been fully approved by the District. It is incorrectly stated on page 4.8-1 of the environmental document as being approved. H-6

If you have any questions concerning these comments, please contact our office at 909-387-8109.

Sincerely,

Frank Molina
FRANK MOLINA, Supervising Planner
Environmental Management Division

FM:nh/CEQA Comments_Yucaipa_Oak Hills Marketplace

cc: Naresh Varma, Chief, Environmental Management
VRO/MK Reading File

MARK H. UFFER
County Administrative Officer

NORMAN A. KANOLD
Assistant County Administrator
Public and Support
Services Group

Board of Supervisors			
BILL POSTMUS	First District	DENNIS HANSBERGER	Third District
PAUL BIANE	Second District	GARY C. OVITT	Fourth District
JOSIE GONZALES	Fifth District		

Letter H - San Bernardino County Department of Public Works –Environmental Management Division (Dated April 16, 2007)

Response to Comment H-1

The City concurs that the realignment of Wildwood Creek is classified as a regional facility. No comment response is necessary.

Response to Comment H-2

The City understands that a permit will be required from the District if the proposed Wildwood Creek facility is to be operated and maintained by the District.

Response to Comment H-3

The City agrees that the District will need adequate right-of-way to Wildwood Creek flood control facilities.

Response to Comment H-4

The City will consult with the District regarding Wildwood Creek improvements, including discharge capacity.

Response to Comment H-5

The project as proposed is a Preliminary Development Plan. Any detention basins related to the proposed OHM would be designed according to the District guideline, and final plans will be reviewed and approved by the District before the City approves any final facilities.

Response to Comment H-6

The EIR relied on the 1993 Master Plan of Drainage that was prepared by Boyle Engineering Corporation. The City understands that this document is being revised. However, as the most current Plan publicly available, this document was used as a reference document for the DEIR.

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION

COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130



VANA R. OLSON
Director of Public Works

File No. 3-608/1.00
302.0420

April 16, 2007

APR 17 2007
City of Yucaipa
PLANNING DIVISION

City of Yucaipa
Planning Division
34272 Yucaipa Blvd.
Yucaipa, California 92339

Letter I

SUBJECT: ZONE 3 – WILDWOOD CREEK – OAK HILLS MARKETPLACE

Gentlemen:

Reference is made to your March 21, 2007, Project Notice, together with accompanying Preliminary Development Plan, requesting our review and recommendations for the subject project. The site is located southeasterly of the intersection of Live Oak Avenue and Interstate 10, in the City of Yucaipa, and is adjacent to Wildwood Creek, a Flood Control District (District) facility.

I - 1

According to the most recent FEMA Flood Insurance Rate Map, Panel 8740F, dated March 18, 1996, the site lies within Zones AE, X shaded and X unshaded.

We have reviewed the documents and our comments are as follows:

1. It is assumed that the City will establish adequate provisions for intercepting and conducting the accumulated drainage around or through the site in a manner that will not adversely affect adjacent or downstream properties. I - 2
2. We recommend the District approved Master Plan of Drainage be utilized for design of facilities. I - 3
3. Revisions to the approved Master Plan will require approval from the District. I - 4
4. We recommend that the project incorporate the most recent FEMA regulations, and that a Conditional Letter of Map Revision be processed indicating the realignment of Wildwood Creek. Upon completion of the project, a Letter of Map Revision should be processed. I - 5
5. Please note, until the time that a FEMA Letter of Map Revision has been processed for the realignment of the channel, the structures will remain within the 100-year floodplain and flood insurance may be required. I - 6
6. It is noted that ongoing discussions and plans for the realignment of Wildwood Creek are in progress. We recommend that adequate right-of-way be granted to the San Bernardino County Flood Control District. Information regarding this item can be obtained from: I - 7

Mr. Tom Williams, Right-of-Way Section Chief
Flood Control Engineering Division
825 E. 3rd St., Room 140
San Bernardino, CA 92415-0835
(909) 387-8256

If you have any questions, or if you need additional information, please call MaryLou Mermilliod at (909) 387-8213.

Sincerely,

MICHAEL J. FOX, P.E., Chief
Water Resources Division

MJF:MLM:AF:bfh ID43055

MARK H. UFFER
County Administrative Officer

NORMAN A. KANOLD
Assistant County Administrator
Public and Support Services Group

Board of Supervisors			
BRAD MITZELFELT.....	First District	DENNIS HANSBERGER.....	Third District
PAUL BIANE.....	Second District	GARY C. OVITT.....	Fourth District
JOSIE GONZALES.....	Fifth District		

Letter I - San Bernardino County Department of Public Works –Water Resources Division (Dated April 16, 2007)

Response to Comment I-1

The City agrees with your project description and interpretation of the most recent FEMA Flood Insurance Rate Map. See Exhibit 4.8-1 of the DEIR for a FEMA Map of the project site.

Response to Comment I-2

A study of proposed channel improvements to Wildwood Creek was prepared for the proposed project by Fuscoe Engineering, and a Water Quality Management Plan (WQMP) was prepared by Development Resource Consultants. Pertinent results of the hydrology study are summarized in the DEIR and the complete reports are included in Appendix K and Appendix L of the DEIR. In addition, information on surface water was incorporated into the DEIR from the City of Yucaipa Master Plan of Drainage (MPD) prepared by Boyle Engineering Corporation (Boyle 1993). The project will be designed in such a way as to not impact adjacent or downstream properties.

Response to Comment I-3

As suggested by the County, the DEIR relies on the most recent City of Yucaipa Master Plan of Drainage that was prepared by Boyle Engineering Corporation in 1993.

Response to Comment I-4

The City understands that revisions to the Master Plan will require approval from the District.

Response to Comment I-5

As stated in the DEIR (page 4.8-2), the project will be required to comply with the most recent FEMA regulations, including processing a Letter of Map Revision (LOMR) indicating the realignment of Wildwood Creek.

Response to Comment I-6

The City understands that until the Flood Insurance Rate Map is revised, flood insurance may be required for any areas within the 100-year flood plain.

Response to Comment I-7

The City will continue to consult with the District regarding the Wildwood Creek realignment and will ensure that adequate right-of-way is granted to the District.

ROBINSON RANCH

YUCAIPA, CA

130 E MONTECITO AVENUE, #246, SIERRA MADRE, CA 91024

Tel (626) 355-2744

Fax (626) 836-8364

City Planning Commissioners
Mayor Riddel and City Council Members
John McMains, Community Development Director
John Tooker, City Manager
Ray Casey, City Engineer
City of Yucaipa, CA

Letter J

VIA FAX: 909-790-9203

April 2, 2007

RE: Target/Regency/Palmer Development (Case No. 05-245/PDP/GPA)

Dear Planning Commissioners, Mayor Riddell, Council Members, Mr. McMains, Mr. Tooker, and Mr. Casey;

The Robinson Family generally supports the proposed project (05-245/PDP/GPA) and regional commercial development along our freeway corridor, especially at interchanges. However, this proposal leaves the following matters unclear and of concern:

J-1

1. Circulation.

- a. Freeway Frontage/Service Road: The proposed project does not provide for a frontage road and effectively precludes one from being constructed in the future. The result is a center with a bottleneck/cul-de-sac traffic design. Associated congestion could be mitigated by providing for a frontage road to allow for better circulation and fire/safety protection.
- b. On-Site Traffic: Traffic does not appear to flow well in the eastern 2/3 of the project and will not flow to the north until development occurs on vacant land behind the center. In addition to adding a frontage road, modified designs for ingress/egress points might improve on-site flow.
- c. Reconstruction of Outer Highway South as the center's primary entrance: How will this affect traffic on Live Oak Canyon Road and at the Interchange? How will the proposed realignment change the boundaries and residual value of my family's adjacent parcels?

J-2

J-3

J-4

J-5

2. Stream Relocation: Environmental and Drainage Impacts.

- a. Vegetation: Are re-vegetation proposals realistic?
- b. Habitat: How will relocation affect existing habitat?

J-6

J-7

- | | |
|---|------|
| c. Downstream Properties: How will downstream properties be protected? | J-8 |
| d. On-Site Drainage: | |
| 1) How will the project area mitigate currently inadequate upstream drainage facilities? Will the project's developer/owner be responsible for installing adequately sized under-the-freeway culverts or are alternate mitigation plans? | J-9 |
| 2) What are the on-site water retention plans? | J-10 |
| e. Upstream Properties: Will upstream properties be saddled with extra drainage responsibilities and costs because of this project? | J-11 |
| 3. Water and Sewer Supply: How will these issues affect other properties? | J-12 |
| 4. Seismic Safety: Is the project's design consistent with geotechnical study's findings and safety mitigations? | J-13 |
| 5. Surrounding Projects: The proposal fails to address other pending surrounding projects having completed applications at the City with regard to circulation, property, safety and health issues. | J-14 |
| 6. Infrastructure Costs: Will the development be self-supporting or will surrounding properties owners be asked to share in its needed infrastructure costs? My family herein expresses no desire for an assessment district such as Yucaipa Valley Water District's draft plan, or similar financial tool, to be imposed on adjacent or nearby properties in order to pay for this project's infrastructure costs. | J-15 |
| 7. Economics: This project proposes to locate the largest retail center in Yucaipa in a location that inherently has restricted circulation and that is as far away from local customers as reasonably possible. This defies historical planning economics. | J-16 |
| Your consideration of the above matters during project review and modification would be appreciated. | J-17 |

Sincerely,


Kenneth G. Robinson

Letter J - Robinson Ranch (Dated April 2, 2007)

Response to Comment J-1

The City acknowledges that the Robinson Family generally supports the proposed OHM and regional commercial development along the freeway corridor and especially at interchanges.

Response to Comment J-2

A comprehensive Traffic Impact Analysis (TIA) dated October 20, 2006 was prepared for the OHM project by Katz, Okitsu and Associates (KOA). The TIA was prepared according to CMP guidelines. The TIA incorporates the traffic counts for local roadways taken by KOA. The complete TIA is included in Appendix O of the DEIR. As stated on page 4.15-6 of the DEIR, "With implementation of local guidelines and the recommended mitigation measures, the proposed OHM project would not have significant short- or long-term impacts related to traffic, circulation, or parking."

Response to Comment J-3

As stated in the DEIR, the internal parking arrangement will be designed to meet City standards and allow for Fire Department access (page 4.15-5). Prior to approving the final development plan, the project will undergo subsequent review by City staff, including the traffic engineer, and the City will consider modified ingress/egress in order to improve onsite flow.

Response to Comment J-4

Please refer to Exhibit 4.15-7 for an illustration of project related traffic at buildout (2030). As stated in the DEIR, the Traffic Impact Analysis (TIA) for OHM completed by Katz Okitsu, Inc, in October 2006 indicates that the following intersections will operate at unacceptable levels of service in the near term with cumulative traffic including the proposed commercial developments during the peak morning or evening hours:

- Outer Highway 10S at 16th Street (p.m. peak hour);
- Outer Highway 10S at Live Oak Canyon (a.m. and p.m. peak hours);
- Live Oak Canyon Road/ I-10 Eastbound Ramps (a.m. and p.m. peak hours);
- Oak Glen Road/ I-10 Westbound Ramps (a.m. and p.m. peak hours);
- Oak Glen Road/ Colorado Street (p.m. peak hour); and
- Oak Glen Road at 14th Street/ Calimesa Boulevard (a.m. peak hour).

However, with mitigation, the project-related traffic impacts are expected to be less than significant. See the TIA (Appendix O of the DEIR) for more in this regard.

Response to Comment J-5

The proposed realignment should not adversely affect offsite properties.

Response to Comment J-6

The City will enforce the revegetation mitigation measures using the Mitigation Monitoring and Reporting Program (MMRP) as a tool for implementation.

Response to Comment J-7

According to the DEIR (page 4.4-11), the southern portion of the project site contains riparian habitat along Wildwood Creek, as well as trees, and these provide seasonal habitat for migrating waterfowl and habitat for raptors and nesting birds, as well as local wildlife. In this regard the project may create a significant impact on biological resources considered important by the resource agencies. However, with implementation of the recommended mitigation measures, potential impacts to biological resources from construction and operation of the proposed project will be reduced to less than significant levels (page 4.4-14).

Response to Comment J-8

Downstream properties should not be adversely affected by the proposed creek realignment. Project engineers will be required to submit very detailed and extensive documentation to verify that onsite improvements do not adversely affect downstream properties.

Response to Comment J-9

The project proponent/s would be responsible for improvements within the project site boundaries. Offsite improvements would, at a minimum, be paid for by using fair-share methodology.

Response to Comment J-10

See Exhibit 2 of the FEIR.

Response to Comment J-11

See response to Comment J-9.

Response to Comment J-12

Other users of water and sewer services should not be impacted by the proposed project. See Section 4.16 of the DEIR for more in this regard.

Response to Comment J-13

At the time of releasing the DEIR, the results of the seismic study were pending. However, the study has since been completed and the results show that there are no faults onsite. The project design will be consistent with the geologist recommendations.

Response to Comment J-14

The DEIR addressed cumulative impacts in Section 5. Please see Section 5 of the DEIR for more in this regard.

Response to Comment J-15

As stated on page 1 of the Yucaipa Valley Water District (YVWD) Water Supply Assessment (WSA), any parcel within the I-10 Corridor Specific Plan (FCSP) not currently annexed to the District shall be annexed at the sole cost to the property owner prior to entering into a service agreement with the District. Because one WSA was prepared for the entire FCSP, the cost of preparing the WSA will be divided into fair share contributions for all parcels within the FCSP

(excluding current recipients of YVWD services). The cost of new infrastructure will be determined by the YVWD and the individual developments as proposed.

Response to Comment J-16

The proposed OHM will act as a sub-regional retail center that will provide goods, services, employment opportunities, and sales tax revenue not presently available in the City of Yucaipa. The proposed OHM regional commercial center is located to create a gateway to the City, and it is reasonable close to serve the residents of Yucaipa. The project is consistent with the General Plan.

Response to Comment J-17

The City acknowledges your comments and will consider your input regarding the proposed OHM project.

CHARLES F. CALLANAN*
CHARLES D. CUMMINGS
JOSEPH S. DZIDA
THEODORE S. KHACHATURIAN
GARY A. KOVACIC
KARYN A. McCREARY
D. DANIEL PRANATA
ROBERT HAMPTON ROGERS
ROGER M. SULLIVAN*
SHERRILL Y. TANIBATA

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JOHN J. DEE (1941-2003)

OF COUNSEL
HENRY G. BODKIN, JR.
HODGE L. DOLLE, JR.
THOMAS E. O'SULLIVAN
HENRY K. WORKMAN

OUR FILE NO.
242120.0001

AUTHOR'S EMAIL ADDRESS

jdzida@swdlaw.net

April 16, 2007

VIA FAX AND U.S. MAIL

City of Yucaipa
Community Development Department,
Planning Division
Attn: Paul Toomey
34272 Yucaipa Blvd.
Yucaipa, CA 92399

RECEIVED

APR 18 2007

City of Yucaipa
PLANNING DIVISION

Letter K

Re: **Oak Hills Marketplace Project Preliminary Development Plan/Draft
Environmental Impact Report (SCH#2006061065)**

Dear Mr. Toomey:

I represent Robinson Ranch. This letter is submitted as public comment during the public review period for the draft environmental impact report ("DEIR") for the Oak Hills Marketplace Project.

K-1

Alternative Sites

Section 7.6 of the DEIR ("Alternative Sites") does not comply with CEQA.

In *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, the court held as follows:

It would not be reasonable to fail to consider an alternative site based on the assumption that it, too, could be developed for the same general purpose. **Reason requires that the agency charged with the duty to protect the environment compare impacts at feasible alternative locations.** We conclude that here, omission from the EIR of consideration of whether there was a feasible alternate site or sites was unreasonable and rendered the EIR inadequate.

K-2

City of Yucaipa
Attn: Paul Toomey
April 16, 2007
Page 2

(*Id.*, p. 1180, emphasis added.)

CEQA Guidelines section 15126.6(f)(2)(A) requires that an EIR consider alternate “locations that would avoid or substantially lessen any of the significant effects of the project.” (See also DEIR section 7.6.)

CEQA Guidelines section 15382 defines “significant effect” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” (Emphasis added; see also DEIR page 4-2.)

Section 7.6 does not comply with these requirements in the following respects:

- (1) It only discusses the environmental effects described in the DEIR as significant, and not those described as “potentially significant.” However, the Guidelines, as discussed above, define “significant” to include “potentially significant.” Both must be discussed. For example, the impacts on Wildwood Creek are described in the DEIR as potentially significant, and mitigation measures are imposed to reduce the impact to “less than significant.” The drafter of section 7.6 assumed that, as a result, alternative sites that would lessen this potentially significant impact too did not have to be analyzed under CEQA, and, therefore, did not analyze them. This is error. Under the subject project, Wildwood Creek will suffer significant environmental impact. It will be channelized, realigned and diverted (DEIR, p. 1-5.). Alternative sites are available (as discussed below) that will completely eliminate this significant impact, not just mitigate it. Under CEQA, those alternative sites must be analyzed.
- (2) Section 7.6 refuses to consider alternate sites simply because they too can be developed for the same purpose. As discussed above, this too is error under the *Goleta* case.
- (3) Section 7.6 makes the unwarranted and unsupported assumption that, if this project does not proceed, another commercial development will take place on the site and “The impacts of another commercial development would be similar to those” of this project. Why? For example, another project could be built on this site without altering Wildwood Creek. The DEIR leaps to the conclusion that “an alternative

K-2
Cont.

City of Yucaipa
Attn: Paul Toomey
April 16, 2007
Page 3

location is not a viable option," without anything other than superficial analysis of this sort.

In fact, there are other commercial sites in the area such as those designated on the draft Yucaipa Freeway Corridor Specific Plan (DEIR, Exhibit 2-4) that are away from Wildwood Creek and are viable alternatives that would eliminate or lessen the significant/potentially significant impacts of this project. And, as stated in the DEIR itself (at p. 4.9-4):

The City of Yucaipa's Freeway Corridor Specific Plan, also identifies lands along I-10 as being suitable for commercial uses. Certainly, for the mile or so immediately west of the OHM site, the lands on both the north and south sides of I-10 (located within the cities of Yucaipa and Redlands) have for many years been populated with a range of commercial and industrial uses.

These and other alternative sites are not even addressed in the DEIR.

Deferral of Analysis Until Completion of Required Studies and Freeway Corridor Specific Plan

The DEIR improperly defers studies of environmental issues identified by the City and DEIR (page 1-5) that are essential to adequately analyze key impacts and cumulative impacts. The analysis of this project is dependent on the finalization of respective studies and the Freeway Corridor Specific Plan ("FCSP"), which are not yet complete. Section 1.1 (page 1-1) of the DEIR states:

The OHM project is adjacent to and surrounded by the Freeway Corridor Specific Plan (FCSP). Note that the OHM and FCSP projects are independent and not related to each other; **however, because of the spatial connectivity between the two, the City of Yucaipa will make every effort to integrate the two projects into one cohesive development.**"

The two "projects" are not "independent" at all. The subject OHM project is completely surrounded by the specific plan area as shown at DEIR, Exhibit 2-4. The DEIR specifically and repeatedly ties the two together. For example, mitigation measures AE-3 and AE-6 call for compliance with the specific plan once it is finalized. The subject project is supposed to be the "gateway" to the City of

K-2
Cont .

K-3

City of Yucaipa
Attn: Paul Toomey
April 16, 2007
Page 4

Yucaipa. (DEIR p. 4.9-4.) Analysis of this gateway project should not be deferred until later. Such deferred analysis does not comply with CEQA. In *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, a mitigation measure was imposed requiring future preparation of hydrological studies. The court held that:

The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. . . . This procedure, we repeat, is contrary to law.

(*Id.* at p. 306-07.)

Other Examples of Deferred Analysis

The DEIR also contains other examples of this unlawful procedure in Mitigation Measures AQ-1 (Fugitive Dust Control Plan to be prepared), AQ-6 (traffic control plan to be prepared), HY-1 (more detailed drainage study to be provided), HY-5 (Erosion and Sediment Control Plan) and U-2 (landscape plans).

Section 5.2.11 of the DEIR states that noise impacts from the subject project to potential and planned residential projects in the area that are not yet developed “are expected to be mitigated mainly by the particular developer at the time of design.” In short, future residential developers will have to pay for mitigation of noise caused by this commercial project.

Disparate Treatment of Other Sites in the Freeway Corridor Specific Plan

The DEIR further states at p. 4.9-4 that:

With approximately 613,000 square feet of proposed new commercial buildings, the OHM project is subject to the City’s development review process. It should also be noted that the City has expressed considerable concern about potential development along or close to I-10. Expressions of this concern include Ordinance Number 241, the Interim Urgency Ordinance from 2005 that imposes restrictions on the approval of permits and plans within the Freeway Corridor Specific Plan area.

K-3
Cont.

K-4

City of Yucaipa
Attn: Paul Toomey
April 16, 2007
Page 5

Translated, this means that the City is holding up development of other projects along the freeway because they are in the specific plan area, but the City will allow this project to proceed, claiming it is outside of the specific plan area, even though it is surrounded by it. This arbitrary and disparate treatment is an abuse of discretion.

K-4
Cont.

Prior Letter

This comment letter supplements and does not replace the comment letter previously submitted by my client and dated April 2, 2007 (copy attached).

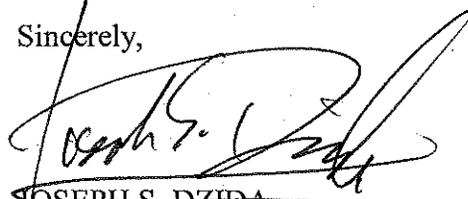
K-5

Conclusion

My client generally supports the proposed project and regional commercial development along the I-10 corridor, especially at interchanges. The rules and the playing field should be the same for all, however.

K-6

Sincerely,



JOSEPH S. DZIDA

SULLIVAN, WORKMAN & DEE, LLP

JSD/tl

cc: Mr. Ken and Mrs. Sandy Robinson of Robinson Ranch

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Letter K - Sullivan, Workman & Dee (Dated April 16, 2007)

Response to Comment K-1

The City appreciates your comments on the proposed OHM project.

Response to Comment K-2

The Guidelines clearly intend an EIR to examine alternatives or alternative sites that eliminate or reduce significant impacts of the proposed project to less than significant levels. The commentor has incorrectly applied the definition of significant effect in Section 15382 of the State CEQA Guidelines to the discussion of alternative sites (Guidelines Section 15126.6) as cited in the commentor's letter. The key distinction is that an EIR may identify impacts that are potentially significant prior to the application of standard conditions, uniform codes, project design features, and/or mitigation measures, however, once applied, the impact is reduced to less than significant levels. The statement in the Guidelines regarding significant effects refers to impacts that are still considered potentially significant after implementation of these various activities that reduce the severity of an impact. Otherwise, alternatives and alternative sites would have to be developed to address any impacts that were identified for a project but that might not be significant after mitigation – that clearly is not the intent of CEQA or the CEQA Guidelines.

The commentor indicates that realignment of Wildwood Creek is a significant impact. However, the Draft EIR examined this environmental change and found it to be less than significant with project design features and implementation of recommended mitigation measures. This portion of Wildwood Creek has been heavily disturbed and does not provide adequate flood protection for the project site and downstream users in its current condition. The project proposes to realign the creek to improve flood protection and ability for it to be maintained. In addition, this portion of the creek does not currently support extensive riparian resources due to repeated deep scouring during flood events. The design of the proposed project will allow for the establishment of riparian vegetation along this portion of the creek in the future, thus improving conditions for biological resources over existing conditions. The commentor is attempting to change this significance conclusion, but provides no evidence other than the statement that this is, in fact, a significant impact after mitigation. It should be noted that the California Department of Fish and Game (CDF&G) also commented on this EIR and their comments do not support the commentor's contention.

The Draft EIR did examine an alternative development plan that had a smaller building footprint and did not require realignment of the creek. This alternative was found to not achieve the goals of the project and was rejected. The retail impact study of the project (DEIR Appendix N) also supports the contention that there are few if any viable alternative sites for a development project similar in scope to the proposed project. The only other site in the project area of adequate size and location would be on the northeast corner of Live Oak Canyon Road and the I-10 Freeway. Development of the project at this location would create impacts similar to the project site in terms of aesthetics and agriculture, and air quality impacts of the project would be the same for any alternative site in the project area. In

addition, Yucaipa Creek covers a significant portion of that alternative site. However, the EIR determined that realignment of the creek did not constitute a significant impact after mitigation. For the reasons expressed above, this site therefore does not represent an alternative site that reduces one or more of the significant impacts of the project to less than significant levels. Therefore, it is not considered a “viable” or feasible alternative site under the CEQA Guidelines.

Response to Comment K-3

The DEIR did not defer mitigation but rather identified the appropriate time during the development review process when the various mitigation measures of this project would be implemented. CEQA allows for the integration of multiple planning efforts or programs on a particular site. It is reasonable and allowed under CEQA to evaluate a specific development project such as the Oak Hills Marketplace (OHM) that is located within and could be affected by a programmatic planning effort such as the Freeway Corridor Specific Plan. It is also reasonable for the City to want these two levels of development projects to be consistent with each other as each proceeds on its separate review process. That is why the OHM EIR specifically refers to the FCSP and indicates the City will attempt to make the appearance of those two projects consistent with each other.

The OHM property is shown in the northern portion of District 3 of the FCSP, however, it has different owners and is being proposed by different applicants than anticipated for any other portion of the FCSP. The OHM is a specific project-level development proposal with a tentative tract map and final development plan, while the FCSP has no specific development plans prepared to date and none anticipated in the near future, especially for the residential components. However, the FCSP does show regional commercial uses on the OHM site at the request of the City for planning purposes. Ordinance 241 is an interim urgency ordinance that imposed restrictions on any applicable entitlement for development of land within the planning area of the proposed FCSP. This ordinance was not designed to impede development of the Freeway Corridor Specific Plan area. It was created to avoid incremental piecemeal development of the project area and to promote orderly growth. The OHM site is one of two designated commercial areas within the planning area that were exempt from Ordinance 241. The second exempt area was forty-one acres located on the north side of Calimesa Boulevard approximately 1,300 feet east of Oak Glen Road). Note that Ordinance 241 expired in May 2007, and therefore is no longer applicable.

The analysis of impacts to the “gateway” of the City was not deferred but rather determined to be significant in terms of aesthetics (i.e., view) mainly due to the rural nature and historical agricultural uses of the site (i.e. any change to suburban style uses would create significant visual impacts).

The bottom line is, the OHM and FCSP are two separate projects, owners, and properties, and there is a specific development proposal for the OHM property while the FCSP is not even completed yet. Therefore, they are considered separate by the City and under the CEQA Guidelines.

Other deferred analysis - The commentor misinterpreted the intent of the term “plans” in that the two measures propose plans not to study the impacts but rather to specifically implement the performance standards outlined in the EIR, as allowed under Section 15126.4 of the State CEQA Guidelines. These measures are to be implemented at the appropriate time later in the development review process when grading plans and traffic circulation plans are available. They cannot be prepared at this time because that information is not yet available.

Response to Comment K-4

The commentor is incorrect, the two projects are separate despite their close proximity. The OHM has different owners and is being proposed by different applicants than anticipated for any portions of the proposed FCSP. The OHM is a specific project-level development proposal with a tentative tract map, while the FCSP has no specific development plans prepared to date and none anticipated in the near future, especially for the residential components. The OHM and FCSP are two separate projects, owners, and properties, there is a specific development proposal for the OHM property, and the FCSP is not even completed yet. The City did request that regional commercial uses be shown on the OHM site in the proposed FCSP since it does surround the OHM site and this designation allows for more comprehensive planning as the two plans proceed on different schedules. Ordinance 241 was an interim urgency ordinance that imposed restrictions on any applicable entitlement for development of land within the planning area of the proposed FCSP. This ordinance was not designed to impede development of the Freeway Corridor Specific Plan area. It was created to avoid incremental piecemeal development of the project area and to promote orderly growth. The OHM site is one of two designated commercial areas within the planning area that were exempt from Ordinance 241. The second exempt area was forty-one acres located on the north side of Calimesa Boulevard approximately 1,300 feet east of Oak Glen Road). For these reasons it is reasonable and correct to consider these two separate projects by the City according to the CEQA Guidelines. Note that Ordinance 241 expired in May 2007, and therefore is no longer applicable.

Response to Comment K-5

The Robinson Ranch comment letter is addressed separately in this FEIR (Letter J).

Response to Comment K-6

The City agrees that each development project should have equal opportunity and should receive equal treatment. The City makes every effort to support this policy and entertains development proposals in a timely manner when they are presented for review, subject to appropriate planning constraints of the General Plan, Development Code, etc.

**CITY OF YUCAIPA
PLANNING COMMISSIONER COMMENTS
April 4, 2007**

Re: Target Corporation/Regency Centers (Case No. 05-245/ENV); Public Comment on the Draft Environmental Impact Report for the Oak Hills Marketplace on 61 acres; located at the SE corner of Live Oak Canyon Road and the I-10 Freeway

Commissioner Work asked about the trenching going on at the site. Planner Toomey explained that the trenching was done to investigate potential earthquake faults, but to his knowledge, no faults were found.

L-1

Director McMains added that a biological study was performed prior to any grading.

Commissioner Miller voiced his concerns that the freeway overpass, in its current condition, would be unable to handle the additional traffic that this project would create. Director McMains responded that that issue would be addressed in the final EIR.

L-2

Commissioner Fellenz asked if notices were sent to surrounding property owners. Planner Toomey explained that no notices were sent; however, the Notice of Completion of the draft EIR was published in the local newspaper, sent to the State and local agencies and posted.

L-3

Commissioner Work asked if the tree plantings mentioned would be on-site or off-site.

L-4

Commissioner Work was surprised to see that the transportation table in the back of the report only had a "D" grade.

L-5

Commissioner Work also asked if there would be pedestrian and/or bike paths over the overpass.

L-6

Commissioner Work stated that she had hoped that Outer Highway 10 would be extended.

L-7

In response to the pedestrian/bike paths question, Director McMains explained that the City would have to design the overpass to CalTrans' specifications.

L-6

Director McMains projected that the final EIR would be available in about 30 days, and that an addendum would be distributed that would contain all of the comments and responses. He instructed the Commissioners to hold on to the draft EIR. Director McMains also mentioned that the City of Yucaipa's web page contained the studies that were used to generate this draft EIR.

L-8

Letter L - City of Yucaipa Planning Commissioners (April 4, 2007 public meeting)

Note that some of the Planning Commissioner comments were addressed verbally the night of the Planning Commission meeting. Those responses that were fully addressed are merely restated here in this section.

Response to Comment L-1

Commissioner Work asked why construction activity was underway when the project had not yet been approved. The onsite construction activity was due to fault trenching that had been requested in order to determine if there were any active faults onsite. No active faults were found onsite, although the project geologist has identified a building restriction zone along the northwestern portion of the site. See Section 2, Errata and Refinements to the Draft EIR, for more in this regard. Director McMains explained that the fault trenching occurred only after a biological assessment was completed onsite.

Response to Comment L-2

Commissioner Miller commented that the Live Oak Canyon Road overpass is not equipped to handle the project related traffic. Mitigation measures are recommended to mitigate potential traffic impacts from the OHM development to below a level of significance. Mitigation measures have been proposed for both the short-term (2008) as well as the long-term (2030) build-out scenario.

With respect to Live Oak Canyon/Oak Glen Road at the eastbound and westbound ramps of I-10, these intersections will become deficient in the Build-out Year (2030) if the currently scheduled improvements to the Live Oak Canyon Interchange are not implemented as described. However, a new full-access interchange planned at Wildwood Canyon Road and I-10. Oak Hills Parkway would extend eastward to connect with Wildwood Canyon Road at I-10.

With the planned construction of the Wildwood Canyon Interchange, some of the traffic from OHM would be diverted to enter and exit the freeway at this location. Therefore the Wildwood Canyon Interchange will act as mitigation for traffic congestion at the interchange of Live Oak Canyon Road and I-10. Although this interchange is not currently funded, the City is working to secure such funding, and the interchange is expected to be constructed after the year 2015 and prior to buildout in the year 2030. Construction of the I-10 Freeway/Wildwood Canyon Interchange as planned by the City and by Caltrans is recommended to relieve congestion at the on and off-ramps of I-10 with Live Oak Canyon Road and Oak Glen Road. Ultimately, the LOS at Live Oak Canyon Road depends on the development of the Wildwood Canyon Interchange.

Response to Comment L-3

No notices were sent to surrounding property owners; however, as explained by Mr. Toomey, the Notice of Completion (NOC) of the draft EIR was posted at the City Clerks office, and was published in the local newspaper. In addition, the NOC and copies of the DEIR were sent to the Office of Planning and Research and to applicable State and local agencies.

Response to Comment L-4

The transplanted trees would remain onsite wherever possible.

Response to Comment L-5

Commissioner Work was referring to the off ramps at Live Oak Canyon Road and I-10. According to Katz Okitsu Traffic Study, this intersection can be mitigated to an LOS of D.

Response to Comment L-6

The improvements to Live Oak Canyon interchange are under the jurisdiction of Caltrans. Therefore, Caltrans has the authority to incorporate bike lanes into the bridge design. During consultation with Caltrans, the City will further discuss the issue.

Response to Comment L-7

Extending Outer Highway 10 through the project site is not feasible from a project design standpoint.

Response to Comment L-8

Director McMains concluded the DEIR comment session with some procedural comments.

SECTION 5: MITIGATION MONITORING AND REPORTING PLAN

5.1 - Introduction

The following plan will help assure that the mitigation measures contained in the Draft EIR, and as modified in this Final EIR, are properly implemented according to state law. This Mitigation Monitoring and Reporting Plan (MMRP) identifies measures incorporated into the project that reduce its potential environmental impacts, the entities responsible for implementation and monitoring of mitigation measures, and the appropriate timing for implementation of mitigation measures. As described in Section 15097 of the State CEQA Guidelines, this MMRP employs both reporting on and monitoring of project mitigation measures.

The objectives of the MMRP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures; and
- Provide the mechanism to identify areas of non-compliance and the need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated into the project are presented below in Section 5.2. Specific mitigation measures incorporated into the project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented in this section in Table 5-1

5.2 - Mitigation Monitoring and Reporting Plan

As the Lead Agency, the City of Yucaipa is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City will monitor and report on all mitigation activities. If, during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the City shall immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation is appropriate. Table 5-1 presents the implementation plans for the proposed mitigation measures for the OHM.

The following Mitigation Monitoring and Reporting Plan (MMRP) will help assure that the mitigation measures contained in the EIR are properly implemented according to state law. The MMRP identifies measures incorporated into the project that reduce its potential environmental impacts, the entities responsible for implementation and monitoring of mitigation measures, and the appropriate timing for implementation of mitigation measures. As described in Section 15097 of the

CEQA Guidelines, this MMRP employs both reporting on and monitoring of project mitigation measures.

The objectives of the MMRP are to:

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As the Lead Agency, the City of Yucaipa is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City will monitor and report on all mitigation activities. If, during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the City shall immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation is appropriate. The following MMRP presents the implementation plans for the proposed mitigation measures for the Oak Hills Marketplace commercial center.

Table 5-1: Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	AESTHETICS					
AE-1	In order to restore the hillside to a natural-looking state, the developer shall regrade and revegetate the hillside within 60 days of soil removal. The hillside shall be replanted with similar plants to those destroyed for grading purposes. This measure will also help stabilize the hillside from erosion and landslides, and will also benefit the area wildlife. Building permits shall not be issued until a qualified professional verifies that the hillside has been revegetated as required. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing building permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AE-2	In order to reduce the lighting impacts, all lighting within the project site, including outdoors, entrances, commercial buildings, marquees, streets, and parking lot lights shall be shielded, directed downward, and shall use the minimum wattage required to properly illuminate the project site. No flashing, pulsating, or otherwise distracting lights will be allowed. Incandescent lights rather than fluorescent lights shall be used throughout the property. Exterior lighting from the retail operation and cinemas shall be reduced each night upon the closing of store operations to allow only that lighting required for safety purposes. Note that interior lighting shall not be used in any way as signage or to advertise the business operations (i.e. interior lighted signs shall not be visible through windows). This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing occupancy permits, each building shall be inspected for compliance with this measure.	Community Development Director or designee.			
AE-3	For all architectural and design related issues, the OHM shall abide by the development standards and guidelines set forth in the final Freeway Corridor Specific Plan Design Guidelines. Note that in areas where these guidelines conflict with City design standards, the Freeway Corridor Specific Plan guidelines shall prevail. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to approving the final development plan, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
AE-4	All utilities, including transformers, shall be placed underground wherever practical. Prior to issuance of a building permit, the developer shall coordinate with the City Public Works and Community Development Departments in this regard. No building permits shall be issued until the Public Works Director has approved the utility plans. This measure shall be implemented to the satisfaction of the City Public Works Director.	Prior to issuing building permits, the project proponent shall provide verification of compliance with this measure.	Director of Public Works or designee.			
AE-5	Prior to the issuance of grading permits, the developer shall submit plans and obtain approval for all project-related earthwork and grading in accordance with the City's Hillside/Ridgeline Preservation Ordinance.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AE-6	Prior to issuance of building permits, the developer shall prepare a landscaping plan that includes sufficient landscaping in and around the parking areas of the proposed development to meet the requirements of the Freeway Corridor Specific Plan. Landscaping shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing building permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
	AGRICULTURAL RESOURCES					
	No feasible mitigation.					
	AIR QUALITY					
AQ-1	Prior to the issuance of a grading permit, the project proponent will provide a Fugitive Dust Control Plan that will describe the application of standard best management practices to control dust during construction consistent with the South Coast Air Quality Management District guidelines. BMPs will include application of water on disturbed soils a minimum of two times per day, covering haul vehicles,	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this	Community Development Director or designee and the construction			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	replanting disturbed areas as soon as practical, and restricting vehicle speeds on unpaved roads to 15 mph, and other measures, as deemed appropriate to the site, to control fugitive dust. The Fugitive Dust Control Plan shall be submitted to the City for approval and approved prior to construction. This measure shall be implemented to the satisfaction of the City Community Development Director.	measure.	superintendent			
AQ-2	During all construction of the proposed improvements, construction equipment will be properly maintained at an offsite location and includes proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction. This measure shall be implemented to the satisfaction of the Community Development Director.	During all construction activities, the Planning Department shall periodically inspect the site for compliance.	Community Development Director or designee, and the construction superintendent			
AQ-3	During all construction of the project, the developer shall require painting contractors to use only zero-VOC paints (assumes no more than 100 grams/liter of VOC; for samples see www.aqmd.gov/prdas/brochures/paintguide.html) and coatings. All paints shall be applied using either high-volume low-pressure (HVLV) spray equipment or by hand application. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing building permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee, and the construction superintendent			
AQ-4	To achieve a minimum NOx reduction of 20 percent during the grading and building/construction phases, off-road construction vehicles will utilize lean NOx catalysts. Equipment inspections shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure. During construction, the Planning Department shall periodically	Community Development Director or designee, and the construction superintendent			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
		inspect the site for compliance.				
AQ-5	During all construction of the project, the developer shall require all contractors not to idle construction equipment on site for more than 5 minutes in any one hour. This measure shall be implemented to the satisfaction of the Community Development Director.	During all construction activities, the Planning Department shall periodically inspect the site for compliance.	Community Development Director or designee, and the construction superintendent			
AQ-6	Prior to the issuance of a grading permit, the project proponent will provide a traffic control plan that will describe in detail safe detours around the project construction site and provide temporary traffic control (i.e., flag person) during demolition debris transport and other construction related truck hauling activities. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing grading permits, the project proponent shall demonstrate compliance with this measure.	Community Development Director or designee, and the construction superintendent			
AQ-7	Prior to the issuance of a grading permit, the developer will provide documentation to the City indicating that workers will carpool to the greatest extent practical. Workers will be informed in writing and a letter placed on file at the City documenting the extent of carpooling anticipated. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AQ-8	During construction of the proposed improvements, on-site electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure. During construction, the	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
		Planning Dept. shall periodically inspect the site.				
AQ-9	During construction of the proposed improvements, asphalt paving and building/finishing shall not occur on the same days. This will decrease the quantity of emissions on any one day. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing building permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AQ-10	Prior to approving the final site plan, the developer shall contact Omnitrans in writing to determine if any bus stops are required within the OHM or along Live Oak Canyon Road. The developer shall install/fund a minimum of one bus stop along Live Oak Canyon Road or within the project footprint, if requested to do so by Omnitrans. This measure shall be implemented to the satisfaction of the City Public Works Director.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	Director of Public Works or designee			
AQ-11	The onsite buildings shall be linked with direct pedestrian connections. Proper pedestrian signalization and signage shall be installed to improve pedestrian safety. Bicycle racks shall be installed at a minimum of five visible locations on the project site. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AQ-12	To reduce trips from future residences located south of the project site and to increase recreational opportunities, future pedestrian trails located south of the project site shall be connected to the project site to the maximum extent practicable. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
AQ-13	Prior to the issuance of occupancy permits, the developer shall demonstrate that all buildings are built in such a way as to meet or exceed the minimum statewide energy Title 24 construction requirements.	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AQ-14	<p>Prior to issuing individual occupancy permits, the project proponent shall provide verification that each establishment that is at least 10,000 square feet in size complies with the following:</p> <ul style="list-style-type: none"> ● Use light-colored roofing materials to deflect heat and conserve energy; ● Install central water heating systems to reduce energy consumption; ● Install high energy-efficient appliances, such as water heaters, refrigerators, furnaces, and boiler units; ● Use double-paned windows to reduce thermal heat; and ● Install automatic lighting on/off controls and energy-efficient lighting. <p>This measure shall be implemented to the satisfaction of the City Community Development Director.</p>	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AQ-15	<p>To reduce emissions from delivery trucks and materials handling, the following shall be complied with in accordance with the SCAQMD:</p> <ul style="list-style-type: none"> ● Delivery trucks shall be offloaded promptly to prevent trucks idling for longer than five minutes in compliance with California law; ● All loading docks shall have signs posted that prohibit trucks idling for more than five minutes; ● Electrical hookups shall be provided for all establishments that would require deliveries from transportation refrigeration units (TRUs); 	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	<ul style="list-style-type: none"> Retail tenants shall provide flyers and pamphlets to delivery truck drivers educating them on the health effects of diesel particulate matter and the importance of being a good neighbor; and Each establishment that is greater than 5,000 square feet shall use electrified materials handling service equipment (i.e., forklifts) and/or best available technology (BAT) as equipment is retired and replaced. <p>Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.</p>					
AQ-16	Each business on the project site shall be a part of the Oak Hills Transportation Management Association (TMA). The Oak Hills TMA shall be initiated and maintained by Target. The TMA will encourage and coordinate carpooling. Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
AQ-17	To reduce vehicle trips, all establishments over 5,000 square feet shall include an employee break room. Prior to issuing individual occupancy permits, the project proponent shall provide verification of compliance with this measure. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
	BIOLOGICAL RESOURCES					
BIO-1	Prior to the start of grading, the applicant shall obtain a 1602 Streambed Alteration Agreement from the CDFG, a 404 permit from the USACE and a Water Quality Certification from the RWQCB. Copies of the approved agreement shall be provided to the City Engineer prior to issuance of a grading permit. This measure shall be implemented to the	Prior to issuing grading permits, the project proponent shall provide verification of	Director of Public Works or designee			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	satisfaction of the City Director of Public Works.	compliance with this measure.				
BIO-2	Prior to the start of grading, clearance surveys for the burrowing owl shall be conducted by a qualified biologist according to CDFG protocol. If initiation of grading is scheduled during the breeding season and active burrows are found, grading activities shall commence only at such a time that a qualified biologist has determined that the nest has successfully fledged young. If initiation of grading is scheduled outside the breeding season and active burrows are found, passive relocation of the owls shall be conducted by a qualified biologist. Grading and associated activities shall commence only at such time that the biologist has determined that the burrows are no longer active. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee			
BIO-3	The project shall mitigate the loss of all trees in accordance with the Plant Protection and Management requirements of Division 9 of the Yucaipa Development Code. This requirement shall not apply to scrub oak (<i>Quercus berberidifolia</i>) or other large shrub species, but shall apply to coast live oak (<i>Quercus agrifolia</i>) and other oaks. Live oak trees may be planted onsite as mitigation, but may not be replaced by other trees. The applicant shall relocate the existing coast live oaks whenever possible, prior to replacing the existing coast live oaks. A planting plan for the mitigation trees shall be completed by a qualified landscape architect and approved by a licensed arborist. The planting plan shall address the planting specifications as well as maintenance requirements, including irrigation. This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee			
BIO-4	The removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season wherever practicable. The avian nesting season extends approximately from February through August. If ground-disturbing activities are scheduled during the breeding season (approximately February through August), a	Prior to issuing grading permits, the project proponent shall provide verification of	Community Development Director or designee			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	survey for nesting birds shall be conducted by a qualified biologist prior to any ground disturbing activities. If active nests are found within 500 feet of the planned impact area, the area of the nest shall be flagged, including an adequate buffer as determined by a qualified biologist, and the flagged area shall be avoided until a qualified biologist has determined that the nest is no longer active. If ground-disturbing activities are scheduled during the breeding season, a qualified biological monitor shall be present during construction. If active nests are discovered within 500 feet of the impact area, the area of the nest(s) shall be flagged, including an adequate buffer as determined by a qualified biologist. Construction shall be postponed from the flagged area until it is determined by a qualified biologist that the nest is no longer active. This measure shall be implemented to the satisfaction of the Community Development Director.	compliance with this measure.				
BIO-5	Prior to ground disturbance in the chaparral and open oak woodland areas, focused surveys shall be conducted for Nevin’s barberry to determine the presence/absence of this species onsite. The surveys should be conducted according to CDFG protocol within the species’ blooming period from March to April and should be conducted to ensure 100% visual coverage of suitable habitat. If this species is found within the impact area, they should be avoided. If avoidance is not feasible, consultation should be undertaken with the USFWS and CDFG for appropriate measures prior to ground disturbance. Measures may include transplantation of the individuals into preserved areas.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee			
BIO-6	Mitigation for impacts to jurisdictional streambed will be coordinated through CDFG during application for a Streambed Alteration Agreement. Mitigation is expected to consist of creation, enhancement, or preservation. Mitigation will be accomplished through a combination of on site creation and enhancement, and purchase of off-site mitigation credits, if necessary. On site mitigation will include vegetating the banks of the channel and the floodplain areas with native riparian vegetation wherever feasible and practicable. Those areas of the channel and associated mitigation areas that are outside of Flood	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	Control easement will be placed under a Conservation Easement. The balance of the mitigation, if any, as determined by CDFG, will be accomplished through purchase of off-site mitigation credits through an appropriate mitigation bank.					
	CULTURAL RESOURCES					
C-1	Prior to issuance of a grading permit, the developer shall retain a qualified Project Archaeologist to prepare an Archaeological Management Plan that establish procedures for archaeological monitoring during project grading. The Project Archaeologist shall a pre-construction meeting with an authorized representative of the Morongo Band of Mission Indians. These monitoring procedures must be reviewed and discussed by the Project Archaeologist with the general contractor onsite before construction begins. Construction-related disturbances in virgin soil should be monitored on a full-time basis by a professional archaeologist and one qualified Native American monitor. Once 50 percent of the earth to be moved during grading has been examined, the Project Archaeologist, may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected. If buried cultural resource sites or isolated artifacts are detected during monitoring, no matter whether such resources are significant or not, monitoring must continue until 100 percent of virgin earth within the project has been disturbed and inspected by the monitor(s). If sites are exposed during construction, they should be plotted and avoided following guidelines established in the Archaeological Management Plan. If the discovered sites cannot be avoided, Mitigation Measures C-2 and C-3 shall be implemented. This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure. During all construction activities, the Planning Department shall periodically inspect the site for compliance.	Community Development Director or designee.			
C-2	During grading and any land disturbing activity of the project, the developer must avoid or mitigate for all significant cultural and historical resources in the project boundaries if cultural resource sites are unearthed during grading. Isolated artifacts are excluded from this	Prior to issuing building permits, the project proponent shall provide	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	restriction as they are not considered significant resources by California State Office of Historic Preservation (OHP). If cultural resource sites are uncovered during earthmoving or grading, subsurface testing (Phase 2 testing) of the individual resource discovery(s) must take place. A research design associated with such work must be written before any subsurface fieldwork begins. The mitigation plan document must contain a description of how and where artifacts will be curated if found during the fieldwork, and contingency plans associated with Native American tribal efforts if the recovered artifacts are considered sacred items by one or more Native American tribes. This measure shall be implemented to the satisfaction of the Community Development Director.	verification of compliance with this measure. During all construction activities, the Planning Department shall periodically inspect the site for compliance.				
C-3	If any sites are determined to be significant through the testing process outlined in C-2, these resources must be either preserved in place (i.e., avoided) or surveyed by a Phase 3 excavation. This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure (only if applicable).	Community Development Director or designee.			
C-4	During all grading activities, the developer shall allow access to the site by up to two representatives of the appropriate Native American group (the Morongo Band of Mission Indians) to monitor grading activities. This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
C-5	Prior to issuance of a grading permit, the developer shall retain a qualified Project Paleontologist to prepare a Paleontological Monitoring Plan. Monitoring of grading or trenching by a qualified paleontological monitor should take place once any excavation reaches five feet below the modern ground surface. Based upon the results of the review, areas	Prior to issuing grading permits, the project proponent shall provide verification of	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	of concern include all previously undisturbed sediments of San Timoteo Formation within the boundaries of the Project Area. The Project Paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The Project Paleontologist shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or if present are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. This measure shall be implemented to the satisfaction of the Community Development Director.	compliance with this measure. During all construction activities, the Planning Department shall periodically inspect the site for compliance.				
C-6	A paleontological mitigation-monitoring plan shall be developed before grading begins. Paleontological monitors should be equipped to salvage fossils, as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or if present are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee.			
C-7	Monitoring of grading or trenching by a qualified paleontological monitor shall take place once any excavation reaches five feet below the modern ground surface. Based upon the results of the review, areas of concern include all previously undisturbed sediments of San Timoteo Formation within the boundaries of the project area. Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	A paleontological monitor shall be present onsite for all excavation beyond five feet below the modern ground surface.	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	GEOLOGY & SOILS					
GEO-1	Prior to approving the final site plan, a more specific geotechnical analysis shall be conducted by a certified geotechnical engineer, and appropriate recommendations shall be made related to settlement, expansion and compression of soils as well as lateral spreading, liquefaction, landslides, and surface rupture. Appropriate recommendations must be incorporated into the final project design features. This analysis shall be reviewed and approved of by the City of Yucaipa Geologist and Engineer.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	City of Yucaipa Geologist or Engineer.			
GEO-2	In order to determine appropriate setbacks, prior to approving the final site plan, a detailed fault investigation shall be completed to determine if any active faults are known or expected to traverse the site. If so, any faults must be delineated and appropriate setbacks and recommendations made that will reduce the impacts to less than significant. Appropriate recommendations must be incorporated in to the project design. This analysis shall be reviewed and approved of by the City of Yucaipa Geologist and Engineer.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	City of Yucaipa Geologist or Engineer.		This measure was satisfied with the 2007 fault investigation conducted by Leighton Consulting, Inc. (Appendix B of the FEIR).	
GEO-3	All mitigation measures included in the 2007 seismic study shall be incorporated into this EIR and shall be considered as required conditions that must be met prior to final project approval by the City. This measure shall be implemented to the satisfaction of the City Geologist and City Engineer.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	City of Yucaipa Geologist or Engineer.		This measure was satisfied with the 2007 fault investigation conducted by Leighton Consulting, Inc. (Appendix B of the FEIR).	
GEO-4	Prior to approving the final site plan, the results of the detailed seismic study conducted by Leighton & Associates in 2007 shall be incorporated into the final project design features as appropriate. This measure shall be implemented to the satisfaction of the County	Prior to approving the final site plan, the project proponent shall provide	City of Yucaipa Geologist or Engineer.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	Geologist and City Engineer as appropriate.	verification of compliance with this measure.				
GEO-5	Prior to the issuance of a grading permit, the project proponent shall submit to the City Public Works Director and City Geologist an erosion control plan that addresses revegetation of the exposed soils on the hills. The plan will need to discuss the extent and locations of terracing involved (if any), and the methods that will be used to protect graded and cut slopes from potential erosion. The plan must meet the approval of the City Public Works Director and the City Geologist.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	City of Yucaipa Geologist and the Director of Public Works.			
GEO-6	Prior to the issuance of a grading permit, the applicant will need to receive approval from the City Public Works Director, the City Geologist, and of the San Bernardino County Flood Control District, for the realignment and improvements to Wildwood Creek. This measure shall be implemented to the satisfaction of the City Engineer.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	Director of Public Works.			
GEO-7	Prior to approving the final site plan, the developer shall demonstrate that no habitable structures will be constructed within the restricted use zone. This measure shall be implemented to the satisfaction of the City Geologist.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	City Geologist			
GEO-8	Prior to issuing grading permits, the project geotechnical consultant of record shall approve the removal bottom prior to the placement of additional fill. This measure shall be implemented to the satisfaction of the City Geologist.	Prior to issuing grading permits, the project proponent shall provide verification of compliance. with this measure.	City Geologist			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
GEO-9	Prior to issuing grading permits, the project’s geotechnical consultant of record should evaluate the geometry of the excavation with respect to any proposed structures to be constructed atop or immediately adjacent to the excavation, and should provide appropriate recommendations due to the differential fill thicknesses which is present within the excavated area. This measure shall be implemented to the satisfaction of the City Geologist.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	City Geologist			
	HAZARDS AND HAZARDOUS MATERIALS					
HAZ-1	Prior to grading, the developer shall prepare a Voluntary Work Plan (VWP) in consultation with the State Department of Toxic Substances Control (DTSC) to test soils in areas of the site likely to contain potential contaminants from previous agricultural activities. The VWP shall identify the number, location, and type of testing appropriate to characterize the extent of soil contamination, if any, and to identify the most appropriate methods of remediation (Phase 3 or removal and disposal) of any contamination found on the site. The VWP shall be reviewed and approved by DTSC, including the number, location, and type of laboratory testing, prior to the start of grading. All testing shall also be conducted and the results reviewed by DTSC prior to the start of grading. Under the direction of the DTSC, areas of identified contamination shall be effectively remediated and contaminated soil shall be disposed of in an approved manner and at an approved facility. Soil with contaminants that do not exceed “action levels” may be reused for fill onsite, at the discretion of DTSC. The VWP shall be prepared by a qualified hazmat consultant and weekly or monthly reports on remediation plans/activities shall be provided to the City Planning Director. The hazmat consultant shall file a final report to the City upon completion of remediation activities. This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure.	Community Development Director or designee.			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
HAZ-2	Soil shall be sampled prior to its import onto the site, and any contaminated soil shall be properly disposed of. This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure.	Community Development Director or designee			
HAZ-3	When demolition of the existing onsite structures occurs, an investigation shall be conducted for the presence of lead-based products, mercury, and asbestos containing materials. The same shall occur if asphalt or concrete are found in the soil. If any of those substances are identified, proper precautions shall be taken during demolition activities and the contaminants should be remediated in compliance with California environmental regulations and policies. This measure shall be implemented to the satisfaction of the Community Development Director.	During all construction activities, the project proponent shall demonstrate compliance with this measure.				
	HYDROLOGY AND WATER QUALITY					
HY-1	Prior to issuance of building permits, the developer shall coordinate the design and obtain approval of all flood control and storm drain structures from the City of Yucaipa Public Works Department and the San Bernardino County Flood Control District as identified in the project hydrology study (Fusco 2006). A more detailed drainage study shall be provided by the applicant and will need to receive the approval of the County and the City of Yucaipa. This measure shall be implemented to the satisfaction of the City Public Works Director and San Bernardino County Flood Control District Director. These improvements shall also be consistent with the City of Yucaipa Master Plan of Drainage approved by the County.	Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure.	Public Works Director			
HY-2	Prior to issuing grading permits, the developer shall obtain the following permits or approvals relative to modifications to onsite drainage channels: 1) Clean Water Act 404 permit from the U.S. Army Corps of Engineers; 2) Clean Water Act 401 Certification from the	Prior to issuing a grading permit, the project proponent shall demonstrate	Public Works Director or designee			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	SARWQCB; and 3) Streambed Alteration Agreement from the California Department of Fish and Game, as needed. The project shall provide a minimum of 1:1 on-site replacement for impacts to waters of the U.S. accomplished through creation of the realigned channel. The channel will have an earthen bottom and replace or improve the functions and values of the existing channel. Additional mitigation, if required by the USACE, will be accomplished through purchase of mitigation credits at a mitigation bank within the Santa Ana River watershed. This measure shall be implemented to the satisfaction of the Public Works Director.	compliance with this measure.				
HY-3	Onsite detention basins shall include a desilting (flow through) fore basin at the upstream end. This measure shall be implemented to the satisfaction of the Public Works Director.	Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure.	Public Works Director or designee			
HY-4	Prior to issuance of a grading permit, the developer shall obtain a General Permit for Storm Water Discharge Associated with Construction Activity (Construction Activity General Permit). This measure shall be implemented to the satisfaction of the Public Works Director.	Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure.	Public Works Director or designee			
HY-5	Prior to the issuance of a grading permit for each phase, the developer shall prepare a WQMP and an Erosion and Sediment Control Plan (ESCP) to implement the most appropriate BMPs and to prevent any significant removal and/or downstream deposition of soil from the project site during construction. The WQMP will also identify permanent post-construction BMPs that will treat the water for pollutants associated with the uses of the project (i.e., food production, asphalt parking lot, gasoline station). The WQMP and ESCP shall contain provisions requiring that all erosion control measures and structures shall be maintained and repaired as needed for the life of the	Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure.	Public Works Director or designee			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	<p>project. Prior to the issuance of a grading permit, the City Public Works Department shall approve the WQMP and ESCP based on review and input by the RWQCB. At the request of the developer, the City Public Works Department may approve a Storm Water Pollution Prevention Plan (SWPPP) as a substitute for the ESCP as long as it fulfills the intent of this measure to an equivalent degree. The SWPPP or ESCP shall be prepared to the satisfaction of the City Public Works Director. The WQMP and ESCP or SWPPP shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Specify the timing of grading and construction to minimize soil exposure to winter rain period experienced in Southern California; • The natural vegetation shall be retained on all areas that will not be disturbed for grading, except areas that must be cleared and revegetated as part of a fuel modification program; • All slopes greater than five (5) feet in height shall be evaluated to define the optimum length and steepness to minimize flow velocity and erosion potential. Lateral drainage collection systems shall be incorporated at the base of slopes, when determined appropriate, to transport flows in a controlled, non-erodible channel; • Indicate where flows on the site can be diverted from denuded areas and carried in the natural channels on the site; • Construct man-made channels to minimize runoff velocities; • Disturbed areas shall be vegetated and mulched immediately after final grades have been established; • Sediment traps, technical filters, basins, or barriers (silt fences, hay bales, etc.) shall be established on the property to prevent the release of “first flush” urban pollutants, including sediment, from developed areas, including any emergency access roads. The design and location of these improvements shall be identified in the plan subject to review and approval by the City; 					

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	<ul style="list-style-type: none"> • Drainage facilities designed to transport flows shall be described and the adequacy of the channel shall be verified by City approval of a detailed drainage analysis; • An inspection and maintenance program shall be included to ensure that any erosion, which does occur either on- or off-site as a result of the project, will be corrected through a remediation or restoration program within a time frame specified by the City; • Confirmed observations by the City of uncontrolled runoff being carried onsite will be grounds for suspension or revocation of any grading or building permit in process, or any discretionary permit subsequently applied for until the problem is resolved to the satisfaction of the City Public Works Department. This will prevent runoff that could contain sediment or urban pollutants from being carried onsite; and • Compliance with Section 402, the Storm Water Pollution Prevention Plan) of the Clean Water Act will be required as administered by the Santa Ana River Water Quality Control Board. <p>This measure shall be implemented to the satisfaction of the Public Works Director.</p>					
HY-6	<p>Prior to the issuance of grading permits, all grading procedures shall be in compliance with City Grading Standards, including requirements for erosion control during rainy months. This measure shall be implemented to the satisfaction of the Public Works Director.</p>	<p>Prior to issuing a grading permit, the project proponent shall demonstrate compliance with this measure.</p>	<p>Public Works Director or designee</p>			
HY-7	<p>Prior to the issuance of building permits, graded but undeveloped land shall be maintained in a relatively weed-free condition and/or planted with interim landscaping within ninety days of completion of grading, unless building permits are obtained. This measure shall be implemented to the satisfaction of the Public Works Director.</p>	<p>Prior to issuing building permits, the project proponent shall demonstrate compliance with this measure.</p>	<p>Public Works Director or designee</p>			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
HY-8	Prior to the issuance of occupancy permits, planting of developed land shall comply with the National Pollutant Discharge Elimination System (NPDES) Best Management Practices Construction Handbook Section 6.2. This measure shall be implemented to the satisfaction of the Public Works Director.	Prior to issuing occupancy permits, the project proponent shall demonstrate compliance with this measure.	Public Works Director or designee			
HY-9	Prior to the issuance of a grading permit, the City shall identify a bond amount for implementing the erosion control program and the developer shall provide the City with a bond for this amount. This measure shall be implemented to the satisfaction of the Public Works Director.	Prior to issuing grading permits, the project proponent shall demonstrate compliance with this measure.	Public Works Director or designee			
HY-10	Prior to issuance of a building permit, the developer shall obtain a Clean Water Act 401 Certification from the RWQCB relative to modifications to onsite drainage channel. Compliance with the RWQCB's current Certification standards and adopted MS4 program standards will ensure pollutants associated with commercial runoff are removed prior to discharge. This measure shall be implemented to the satisfaction of the Public Works Director.	Prior to issuing building permits, the project proponent shall demonstrate compliance with this measure.	Public Works Director or designee			
HY-11	Prior to issuance of the first occupancy permit, the developer shall provide proof to the Public Works Department that the onsite drainage and water quality management facilities will be maintained by the County, City, Property Owner Association (POA), Landscape Maintenance District (LMD), or equivalent. The developer must demonstrate that these facilities will be adequately maintained by an appropriate mechanism or organization, to the satisfaction of the City Public Works Director.	Prior to issuing a occupancy permits, the project proponent shall demonstrate compliance with this measure.	Public Works Director or designee			
	LAND USE & PLANNING					
	None Required					

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	MINERAL RESOURCES					
	None Required					
	NOISE					
N-1	During all project site excavation and grading onsite, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufacturers' standards. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure. During construction, the Planning Department shall periodically inspect the site.	Community Development Director or designee, and the construction superintendent			
N-2	The construction contractor shall stage all construction-related activities as far away from nearby residences to the greatest extent practical, and all stationary construction equipment shall be placed so that emitted noise is directed away from the sensitive receptors (residences) nearest the project site. This measure shall be implemented to the satisfaction of the City Community Development Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure. During construction, the Planning Department shall periodically inspect the site.	Community Development Director or designee, and the construction superintendent			
	POPULATION, HOUSING AND EMPLOYMENT					
	None required					
	PUBLIC SERVICES					
	None Required					

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	RECREATION					
	None Required					
	TRANSPORTATION& TRAFFIC					
T-1	<p>Prior to issuance of occupancy permits, in the event such improvements are not completed by others, the developer shall complete the following improvements:</p> <p>a) Outer Highway 10 South at 16th Street - The intersection will retain its T-shape and shall be converted to an all-way stop (in this case, a three-way stop); the roadway east and west of the intersection shall be widened and striped to provide one dedicated left and one through lane eastbound, and the roadway shall be re-striped to provide one left turn lane and one through lane eastbound, one right turn lane, and one westbound through lane; at the south approach, the roadway shall be widened and striped for 200 feet north of the intersection to provide one right turn lane and one left turn lane;</p> <p>b) Live Oak Canyon Road at Outer Highway 10 South - At the eastbound approach, the roadway will be realigned southward and widened and re-striped to provide one left turn lane, two through lanes, and one right-turn lane. The through lanes would provide access to the future Oak Hills Parkway. At the westbound approach, Oak Hills Parkway shall be constructed to a major arterial width and shall provide one left-turn lane, two through lanes, and one right-turn lane. This will transform the intersection from a T-intersection to a four-way intersection and serve the commercial development. In addition, the intersection control shall be upgraded from a stop sign to a full traffic signal with protected left turn phasing.</p> <p>c) Live Oak Canyon/ Oak Glen Road at the I-10 Eastbound and I-10 Westbound Ramps, both eastbound and westbound ramps shall be realigned and widened to provide one dedicated left and one right</p>	<p>Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.</p>	<p>Public Works Director or designee</p>			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	<p>turn lane with a middle shared left-through-right lane. For northbound and southbound approaches, Live Oak Canyon Road and Oak Glen Road shall be widened and striped with one left turn lane and two through lanes from each approach to the interchange. This will require modification of the I-10 Freeway Bridge. Traffic signals shall be installed at each on/off ramp.</p> <p>d) Oak Glen Road at Colorado Street (2008): At the westbound approach, the roadway shall be re-striped to provide one dedicated left turn lane and one right-turn lane. In addition, the intersection shall be signalized when a traffic signal becomes warranted.</p> <p>e) Oak Glen Road at 14th Street and Calimesa Boulevard (2008): At the east and west approaches, Oak Glen Road shall be re-striped to provide two through lanes, one left turn lane, and one right turn lane. At the north and south approaches, this intersection shall be widened to General Plan width to provide two through lanes northbound and two through lanes southbound.</p> <p>f) Live Oak Canyon Road adjacent to the project area (north of the future Oak Hills Parkway to the eastbound I-10 ramp) should be widened as shown in the project-specific Traffic Impact Analysis, and per the Circulation Element of the General Plan.</p> <p>This measure shall be implemented to the satisfaction of the City Public Works Director.</p>					
T-2	<p>Prior to issuance of the first occupancy permit, the developer shall participate in the phased construction of the following roadway improvements through payment of an established City of Yucaipa impact fee and participation in the County’s transportation mitigation fee program, as appropriate, or construction of offsite facilities under appropriate fee credit agreements for improvements deemed appropriate by the City. This measure shall be implemented to the satisfaction of the City Public Works Director.</p>	<p>Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.</p>	<p>Public Works Director or designee</p>			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
T-3	Prior to issuing occupancy permits, the developer shall submit plans that show non-vehicular transportation improvements (i.e. bicycle racks) for the proposed project to Omnitrans for review and recommendations. The developer shall install these and other reasonable improvements, to the satisfaction of the City Public Works Director.	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Public Works Director or designee			
T-4	In order to preserve the existing bike path along Live Oak Canyon Road, the project related roadway improvements along Live Oak Canyon Road shall be constructed in such a way as to include and delineate the bike path adjacent to the project site. The bike path delineation shall be continued 500 feet along Live Oak Canyon Road on either side of OHM. This measure shall be implemented to the satisfaction of the Public Works Director.	Prior to issuing occupancy permits, the project proponent shall provide verification of compliance with this measure.	Public Works Director or designee			
T-5	Prior to approving the final site plan, the developer shall demonstrate that any unloading areas are located so they do not impede traffic (i.e., behind the buildings). This measure shall be implemented to the satisfaction of the Community Development Director.	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	Community Development Director or designee			
	UTILITIES AND SERVICE SYSTEMS					
U-1	The developer shall submit plans for water and sewer service systems to the Yucaipa Valley Water District (YVWD). These plans shall include the YVWD requirements as outlined in the February 2007 Water Supply Assessment and must be approved by the City Public Works Director and the YVWD Director	Prior to approving the final site plan, the project proponent shall provide verification of compliance with this measure.	Public Works Director or designee			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
U-2	Prior to the issuance of building permits, the applicant shall submit landscape plans to and receive approval from the City Public Works Department. These plans shall demonstrate the project will have state-of-the-art water conservation devices in all project parkways and buildings, including, but not limited to, ultra-low-flow toilets. These plans shall also include state-of-the-art water conservation devices for landscape irrigation, including electronic sprinkler systems controlled by hygrometers installed in planter areas to deliver water when actually needed by the plants. These systems shall be maintained on a regular basis, to the satisfaction of the City Public Works Department.	Prior to issuing building permits, the project proponent shall provide verification of compliance with this measure.	Public Works Director or designee			
U-3	Prior to issuing the first building permit, the developer must provide landscaping plans that demonstrate that wherever practicable, the landscaping will incorporate drought resistant plants in place of turf and/or higher water-consuming vegetation (i.e. use low-lying drought resistant shrubs in place of turf for long narrow parking lot islands). This measure shall be implemented to the satisfaction of the Public Works Director.	Prior to issuing building permits, the project proponent shall provide verification of compliance with this measure.	Public Works Director or designee			
U-4	In order to reduce the amount of solid waste, each tenant of the OHM shall recycle to the maximum extent practicable. The developer shall consult with the Yucaipa Disposal Company to determine the appropriate number of recycle bins that shall be placed onsite. This measure shall be done early in the design process, prior to issuing grading permits, as to facilitate proper site design and adequate space for the necessary recycle bins. This measure shall be implemented to the satisfaction of the Planning Director.	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this measure.	Public Works Director or designee			
U-5	Prior to the issuance of building permits, development plans shall be provided to Southern California Edison, the Southern California Gas Company, and other local utilities as they become available in order to facilitate engineering, design and construction of improvements necessary to provide electrical, natural gas, and telephone service to the project site. In addition, the applicant shall coordinate planned construction activities with local utility agencies and companies in	Prior to issuing grading permits, the project proponent shall provide verification of compliance with this	Public Works Director or designee			

Table 5 1: Mitigation Monitoring and Reporting Plan (Cont.)

	Mitigation Measure	Timing and Method of Implementation	Responsible Party	Verification of Completion		
				Date	Comments	Initial
	regard to easement restrictions, construction guidelines, protection of pipeline easements, and potential amendments to right-of-way in the areas of any existing easements of these companies to prevent impacts from construction on existing utility lines. This measure shall be implemented to the satisfaction of the Public Works Director.	measure.				

Appendix A: Health Risk Assessment

Appendix B: Fault Investigation