

SHADY VIEW RESIDENTIAL PROJECT

Final Environmental Impact Report

SCH No. 2021060576

August 2022

Prepared for:
City of Chino Hills
Community Development Department
14000 City Center Drive
Chino Hills, CA 91709

Prepared by:
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1.0 INTRODUCTION

A. PURPOSE OF THE FINAL EIR

The City of Chino Hills (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Final Environmental Impact Report (Final EIR) for the proposed Shady View Residential Project (project). This document, in conjunction with the Draft Environmental Impact Report (Draft EIR), comprises the Final EIR.

As described in Sections 15088, 15089, 15090 and 15132 of the State CEQA Guidelines, the Lead Agency must evaluate comments received on the Draft EIR and prepare written responses and consider the information contained in a Final EIR before approving a project. Pursuant to State CEQA Guidelines Section 15132, a Final EIR consists of: a) the Draft EIR or a revision of the Draft; b) comments and recommendations received on the Draft EIR either verbatim or in summary; c) a list of persons, organizations, and public agencies commenting on the Draft EIR; d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and e) any other information added by the Lead Agency.

Accordingly, the Final EIR for the project comprises two parts as follows:

Part 1: Draft EIR and Technical Appendices

Volume 1: Draft Environmental Impact Report (Chapters 1 to 9 and Appendices A to P)

Part 2: Final EIR

Volume 2: Final Environmental Impact Report (described in more detail below)

B. PROJECT SUMMARY

The project proposes the development of a single-family residential subdivision. The proposed subdivision would consist of 159 single-family residential homes, a community recreation center, private interior streets, debris basins, utility infrastructure, and other associated improvements. Additionally, the project includes approximately 80.8 acres of homeowners' association-maintained open space. The proposed project is designed to be consistent with the City of Chino Hills General Plan and Chino Hills Zoning Code. The existing General Plan land use designation is split between two residential land uses, Agriculture Ranch and Low Density Residential. In addition, the zoning for the property is split between two residential zoning districts, R-S Low Density Residential and R-A Agriculture/Ranches. The location of the split occurs at the same location for both land use and zoning. As proposed, all residential development would occur in the Low-Density Residential land use designated, R-S zoned portion of the site. The project consists of four main components: (1) residential development; (2) oil tank removal and construction; (3) amenities and open space; and (4) access, circulation, and parking.

C. OVERVIEW OF THE CEQA PUBLIC REVIEW PROCESS FOR THE DRAFT EIR

In compliance with the CEQA Guidelines, the City, as the Lead Agency for the project, has provided opportunities for the public to participate in the environmental review process. As described below, throughout the environmental review process, an effort was made to inform, contact and solicit input

from the public and various Federal, State, regional, and local government agencies and other interested parties on the project.

Initial Study/Notice of Preparation

At the onset of the environmental review process and pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City circulated a Notice of Preparation (NOP) to State, regional, and local agencies, and members of the public for a 30-day scoping period, commencing June 28, 2021 and ending July 27, 2021. The NOP was also filed with the San Bernardino County Clerk of the Board and the State Clearinghouse, Governor's Office of Planning and Research, on June 28, 2021. The purpose of the NOP was to formally convey that the City was preparing a Draft EIR for the project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. The NOP included notification that two public scoping meetings would be held in an open house format to inform public agencies and other interested parties of the project and to solicit input regarding the Draft EIR. The meetings were held on July 8, 2021 at 4 P.M. and 7 P.M., respectively, at the McCoy Equestrian and Recreation Center, 14280 Peyton Drive in Chino Hills, California.

The meetings provided interested individuals, groups, and public agencies the opportunity to provide oral and written comments to the Lead Agency regarding the scope and focus of the Draft EIR, as described in the NOP and Initial Study. The NOP, public comments on the NOP, and Scoping Meeting materials are provided in **Appendix A, Notice of Preparation and Comment Letters**, of the Draft EIR (Volume 1).

Draft Environmental Impact Report

In accordance with State CEQA Guidelines Section 15085, upon completion of the Draft EIR and publication on May 27, 2022, a Notice of Availability (NOA) and an electronic version of the complete Draft EIR and appendices was submitted to the State Clearinghouse, Governor's Office of Planning and Research, for distribution to State Agencies. The Draft EIR was circulated for a 45-day public review period between May 27, 2022 and July 11, 2022, in compliance with Section 15105(a) of the State CEQA Guidelines. As required under Section 15086 of the State CEQA Guidelines, a NOA requesting comments on the Draft EIR was distributed to approximately 30 public agencies, utilities, and other organizations. In addition, copies of the NOA were mailed or emailed to organizations or individuals who had previously requested notice or expressed an interest in the project, commented on the project during the NOP public review period, or attended the public scoping meetings conducted for preparation of the Draft EIR.

Hard copies of the Draft EIR were placed at the following locations:

City of Chino Hills	James S. Thalman
Community Development Department	Chino Hills Branch Library
14000 City Center Drive	14020 City Center Drive
Chino Hills, CA 91709	Chino Hills, CA 91709

During the Draft EIR public review period, the City received six (6) comment letters on the Draft EIR from agencies and individuals through written correspondence and emails. All written comments received during the public review period are presented and responses provided in **Section 2.0, Responses to Comments**, of this Final EIR.

D. ORGANIZATION OF FINAL EIR

The Final EIR (Volume 2 of the EIR) consists of the following four chapters:

Section 1.0, Introduction. This section describes the purpose of the Final EIR, provides a summary of the proposed project, summarizes the Final EIR public review process, and presents the contents of this Final EIR.

Section 2.0, Responses to Comments. This section presents all comments received by the County during the 45-day public review period of the Draft EIR (May 27, 2022 through July 11, 2022) as well as the responses to those comments.

Section 3.0, Corrections and Additions to the Draft EIR. This section includes revisions to the Draft EIR that represent minor changes or additions in response to some of the comments received on the Draft EIR and additional edits to provide clarification. Changes to the Draft EIR are shown with ~~striketrough~~ text for deletions and double underline text for additions. These changes are minor and do not add significant new information that would affect the analysis or conclusions presented in the Draft EIR.

Section 4.0, Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program (MMRP) is the document that will be used by the enforcement and monitoring agencies responsible for the implementation of the project's mitigation measures. Mitigation measures are listed by environmental topic.

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2.0 RESPONSES TO COMMENTS

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. Section 15088(a) of the CEQA Guidelines states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The Lead Agency shall respond to comments that were received during the noticed comment period and any extensions and may respond to late comments."

In accordance with these requirements, this section of this Final EIR provides responses to each of the written comments on the Draft EIR received during the public comment period. This section presents comments submitted during the public comment period for the Draft EIR from State, regional, and local government agencies, as well as from individuals and organizations. The City of Chino Hills received a total of six comment letters on the Draft EIR. Each comment letter has been assigned a corresponding letter (e.g., "Letter A"), and distinct comments within each comment letter are also numbered. Each comment letter has been divided into individual comments, which are numbered "A-1", "A-2", "A-3", etc., with the letter indicating the comment letter and the number indicating the individual comment number within that letter.

As required by the CEQA Guidelines, Section 15088(c), the focus of the responses to comments is on the "disposition of significant environmental issues raised." Therefore, detailed responses are not provided to comments that do not relate to environmental issues. Note that there may be spelling and/or grammar errors in the comment letters. These are replicated here exactly as they were delivered to the City.

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South Coast Air Quality Management District

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SENT VIA E-MAIL:

rgackstetter@chinohills.org

Ryan Gackstetter, Senior Planner
City of Chino Hills, Community Development Department
14000 City Center Drive
Chino Hills, California 91709

July 7, 2022

Draft Environmental Impact Report (DEIR) for the Proposed Shady View Residential Project (Proposed Project) (SCH No.: 2021060576)

A-1

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Chino Hills is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include information about South Coast AQMD rules and permits that the Lead Agency should include in the Final EIR.

South Coast AQMD Staff's Summary of Project Description

Based on the Draft EIR, the Proposed Project consists of construction and operation of a single-family residential subdivision consisting of 159 residential units and approximately 80.8 acres of open space. The Proposed Project will also include the demolition of three existing aboveground oil storage tanks and construction of three new aboveground oil storage tanks. The Proposed Project site is approximately 130 acres and is located on the southeast corner of Via La Cresta Drive and Coyote Street in the City of Chino Hills, California 91709. Construction is anticipated to be completed in a single phase by end of 2024.¹

A-2

South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Draft EIR, the Lead Agency quantified the Proposed Project's construction emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds for construction. The Lead Agency found that the Proposed Project's unmitigated regional construction air quality impacts would be significant for nitrogen oxide (NOx) at 113.39 pounds per day (lbs/day),² which is above South Coast AQMD's regional air quality CEQA significance threshold for construction at 100 lbs/day. The Lead Agency is committed to Mitigation Measure AQ-1, which requires that all diesel-powered construction equipment 50 horsepower (hp) or greater meet USEPA Tier 4 (or better) off-road emission standards or be outfitted with California Air Resources Board (CARB) approved engine/exhaust retrofit kits to result in equivalent emissions.³ With implementation of AQ-1, the Proposed Project's regional construction air quality impacts from NOx emissions would be reduced to less

A-3

¹ Draft EIR, Section 3.0 Project Description, Page 3-1 through 3-10.

² Draft EIR, Appendix B-5 Air Quality and Greenhouse Gas Emissions Technical Report, Page 46.

³ *Ibid.*, Page 47.

- A-1 The commenter provides an introduction to the comments presented in the comment letter. Responses to the substantive comments contained in the letter are provided below.
- A-2 The commenter provides a summary of the project as discussed in the Draft EIR. As this comment does not raise a substantive issue regarding the Draft EIR or the analysis presented therein, no further response is warranted.
- A-3 The commenter provides a summary of the analysis and findings presented in Section 4.2, *Air Quality*, of the Draft EIR and concurs with the findings included therein. As this comment does not raise a substantive issue regarding the Draft EIR or the analysis presented therein, no further response is warranted.

A-3
cont.

than significant at 12.53 lbs/day.⁴ Additionally, the Lead Agency found that the Proposed Project's unmitigated localized air quality emissions from construction were less than significant.⁵

The Lead Agency quantified the Proposed Project's operational emissions and compared those emissions to South Coast AQMD's recommended regional air quality CEQA significance thresholds for operation. Based on this analysis, the Lead Agency found that the Proposed Project's unmitigated regional operational air quality impacts would be less than significant.⁶

The Lead Agency also discussed compliance with South Coast AQMD Rules 401, 402, 403, 445, 1113, 1402, and 1403.^{7, 8, 9}

Compliance with South Coast AQMD Rule 1166

The Hazards and Hazardous Materials Section in the Draft EIR states that multiple Environmental Site Assessments (ESA) were conducted at the Proposed Project Site. The ESAs found that the Proposed Project site has historically been used to store crude oil and to dispose of waste.¹⁰ The ESAs also identified potential volatile organic compound (VOC) contaminated soil.¹¹ As such, soil decontamination measures may take place and it is possible that such contaminated soil would require export off-site;¹² the maximum estimated export is 19,000 cubic yards.¹³ Furthermore, the Lead Agency has committed to mitigation measure HAZ-3. This mitigation measure requires that a Soil Management Plan be prepared that establishes guidelines to address potential areas of hazardous material that could be encountered during demolition and initial grading work.¹⁴ Based on the information indicated in the Hazards and Hazardous Materials Section, South Coast AQMD Rule 1166 may also apply.

A-4

Disturbing and excavating soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – VOC Emissions from Decontamination of Soil.¹⁵ The Lead Agency should include a discussion on South Coast AQMD Rule 1166 in the Air Quality Section of the Final EIR. In addition, prior to the commencement of soil or structure removal activities, the Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine whether any permits, plans, or additional compliance measures will need to be filed and approved by South Coast AQMD prior to start of such activities during the Proposed Project's construction.

South Coast AQMD Permits and Responsible Agency

As discussed above, the Proposed Project will consist of disturbing and excavating potentially VOC contaminated soils, the demolition of three existing aboveground oil storage tanks and the

A-5

⁴ *Ibid.* Page 48.

⁵ *Ibid.* Page 49.

⁶ *Ibid.* Page 47.

⁷ Draft EIR, Appendix B-2 Air Quality and Greenhouse Gas Emissions Technical Report, Page 21 through 22.

⁸ Draft EIR, Appendix B-4 Air Quality and Greenhouse Gas Emissions Technical Report, Page 39 through 40.

⁹ Draft EIR, Section 4.7 Hazards and Hazardous Materials, Page 4.7-19 through 4.7-20.

¹⁰ *Ibid.* Page 4.7-2 through 4.7-4.

¹¹ *Ibid.*

¹² *Ibid.* Page 4.7-1 through 4.7-21.

¹³ Draft EIR, Section 4.2 Air Quality, Page 4.2-11.

¹⁴ Draft EIR, Section 4.7 Hazards and Hazardous Materials, Page 4.7-18 through 4.7-19.

¹⁵ South Coast AQMD, Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

A-4

The commenter summarizes the discussion presented in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, noting that the project would involve the excavation and removal of on-site soil materials that have been contaminated with Volatile Organic Compounds (VOCs) associated with historic oil extraction and storage activities on the property. The commenter indicates that the excavation, handling, and removal of VOC-contaminated soils would require the preparation of a Site-Specific Mitigation Plan pursuant to South Coast Air Quality Management District (SCAQMD) Rule 1166. The City concurs with this assertion, and thus the Draft EIR has been updated to reflect the applicability of Rule 1166 to the soil remediation activities and the need to comply with the Rule's requirements through the preparation and implementation of a Mitigation Plan to minimize adverse air quality effects associated with VOC-contaminated soil materials. More specifically, text in **Section 1.0, Introduction**, **Section 3.0, Project Description**, **Section 4.2, Air Quality**, and **Appendix B, Air Quality and Greenhouse Gas Emissions Technical Report**, of the Draft EIR has been modified to reflect the changes resulting from this comment. Refer to **Section 3.0, Corrections and Additions to the Draft EIR**, of this Final EIR for the specific text revisions.

A-5
cont. ↑ construction and operation of three new aboveground oil storage tanks. Therefore, permits from South Coast AQMD may be required for the Proposed Project. If permits are required, then South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final EIR. South Coast AQMD's Engineering and Permitting staff should be consulted in advance to determine whether any permits will be needed prior to start of the construction or operation of the Proposed Project. It is important that impacts from the permits be fully and adequately evaluated and disclosed as required under CEQA Guidelines Section 15096(b). The assumptions used in the air quality analysis in the Final EIR will be used as the basis for evaluating the permits under CEQA and imposing permit conditions and limits. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology is being used by South Coast AQMD for determining operational health impacts for permitting applications and for all CEQA projects where South Coast AQMD is the Lead Agency.¹⁶ Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

Conclusion

A-6 Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, when the Lead Agency's position is at variance with recommendations raised in the comments, the issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative or useful to decision makers and to the public who are interested in the Proposed Project.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please feel free to contact Evelyn Aguilar, Air Quality Specialist, at eaguilar@aqmd.gov, if you have questions or wish to discuss the comments.

A-7

Sincerely,

Michael Morris

Michael Morris

Planning Manager

Planning, Rule Development & Implementation

MM:AM/EA
SBC220601-02
Control Number

¹⁶ Office of Environmental Health Hazard Assessment. "Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015". Accessed at: <https://oehha.ca.gov/air/cmr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>

A-5 The commenter also asserts that due to the construction and operation of new oil storage tanks as part of the project, permits issued by the SCAQMD may be required. Although it has not yet been determined if such permits would be necessary, in order to account for this potential need, SCAQMD was listed as a Responsible Agency in **Section 1.0, Introduction**, of the Draft EIR, which acknowledges the potential need for permits issued by SCAQMD to construct and operate the new oil storage tanks on-site. In addition, SCAQMD-issued permits for oil storage tanks and approval of a Site-Specific Mitigation Plan for VOC-impacted soil remediation activities have been added to section text and Table 3-4, *Anticipated Discretionary Actions*, in **Section 3.0, Project Description**, of the Draft EIR to note the approvals required from SCAQMD. Refer to **Section 3.0, Corrections and Additions to the Draft EIR**, of this Final EIR for the specific text revisions.

A-6 The commenter provides a conclusion statement regarding the comments presented in the comment letter, and requests that written responses to these comments be provided to SCAQMD prior to certification of the EIR, as required by CEQA. The City concurs with the comments provided in this comment letter and have applied the requisite changes to the text of the Draft EIR consistent with these comments. As such, no further response is warranted.

A-7 The commenter provides a closing statement and contact information for additional questions or discussion. No further response is warranted.



Santa Ana Regional Water Quality Control Board

July 7, 2022

Ryan Gackstetter, Senior Planner
City of Chino Hills
14000 City Center Drive
Chino Hills, CA 91709

VIA EMAIL

rgackstetter@chinohills.org

DRAFT ENVIRONMENTAL IMPACT REPORT, SHADY VIEW RESIDENTIAL PROJECT, TENTATIVE TRACT MAP 20317, CITY OF CHINO HILLS, COUNTY OF SAN BERNARDINO, SCH NO. 2021060576

Dear Mr. Gackstetter,

B-1

Staff of the Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) has reviewed the Draft Environmental Impact Report (DEIR) for the Shady View Residential Project. The approximately 130 acres project site is located in the southeastern portion of the City of Chino Hills (APN 1057-261-06), east of Chino Hills State Park and west of State Route 71 (SR-71). The proposed subdivision would consist of 159 single-family residential homes. In addition to the residential development, the project proposes the relocation of existing aboveground oil storage tanks and existing oil transmission lines. The relocated oil storage tanks would be located in a 1.27-acre plot in the northwestern border of the project area and relocated transmission lines would connect the tanks to the oil facilities to the west of the project site.

B-2

Santa Ana Water Board staff recommends that the DEIR incorporate the following comments in order for the Project to best protect water quality standards (numerical and narrative water quality objectives, designated beneficial uses, and the antidegradation policy), as defined in the Water Quality Control Plan for the Santa Ana River Basin, as amended (i.e., Basin Plan):

1. The proposed Project area contains numerous drainages that have been identified in the Biological Technical Report (May 23, 2022) as jurisdictional waters of the United States, and therefore subject to regulation by the United States Army Corps of Engineers (USACE). If the project will cause material to be dredged from, or filled into, USACE-jurisdictional waters, then a Clean Water Act (CWA) Section 404

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside, CA 92501-3348 | www.waterboards.ca.gov/santaana

- B-1 The commenter provides an introduction to the comments presented in the comment letter. Responses to the substantive comments contained in the letter are provided below.
- B-2 The commenter indicates that implementation of the project would result in impacts to on-site drainages and other features that are under the jurisdiction of the United States Army Corps of Engineers (USACE), and thus are subject to Section 404 of the federal Clean Water Act (CWA) and would therefore also require the issuance of a Section 401 Water Quality Certification by the RWQCB. More specifically, as noted in **Section 4.3, Biological Resources**, of the Draft EIR, "implementation of the proposed project would result in permanent impacts to approximately 0.21 acre of USACE/RWQCB non-wetland waters of the U.S. Impacts to USACE/RWQCB jurisdiction will require a Section 404 permit from USACE and a Section 401 permit from RWQCB, as described in Measure BIO-5. Compensatory streambed mitigation for

(Response continued below)

↑ permit is required, and a prerequisite CWA Section 401 Water Quality Standards Certification (401 Certification) is required from the Regional Board. Where the USACE rules that a water body does not fall under their jurisdiction, the Regional Board may still determine that waste discharge requirements (WDR) are necessary for protection of waters of the State. Information about applications for a 401 Certification and WDR Permit can be found at https://www.waterboards.ca.gov/santaana/water_issues/programs/401_certification

B-2 cont. Impacts to the water quality standards of stream channels and other drainages, whether or not specifically identified in the Basin Plan, should be avoided by development where possible. Where avoidance is not practicable, impacts to these waters should be minimized and mitigated.

B-3 2. The proposed project has the potential to adversely impact the beneficial uses of the waters of the state found on the project site, including ephemeral ravine flows, as well as offsite receiving waters downslope of the project. The water bodies on the project site and their associated beneficial uses are not listed in the Basin Plan; however, waters not specifically named in the Basin Plan are presumed to have the same beneficial uses as the waters to which they are tributary, by virtue of the Basin Plan's tributary rule (Basin Plan page 3-5). In this case the receiving waters have been identified in the DEIR as Chino Creek. Thus, any perennial, intermittent, or ephemeral waters on the proposed project site support the following beneficial uses according to the tributary rule:

- a) Water Contact Recreation (REC1)
- b) Non-contact Water Recreation (REC2)
- c) Warm Freshwater Habitat (WARM)
- d) Wildlife Habitat (WILD)
- e) Rare, Threatened or Endangered Species (RARE)

Chino Creek is currently listed on the Clean Water Act Section 303(d) list as impaired for Indicator Bacteria, Nutrients, Chemical Oxygen Demand, and pH. There are TMDLs established by the Santa Ana Water Board for Bacteria Indicators and Nitrate in Chino Creek and other tributaries to the Middle Santa Ana River.

B-4 3. The DEIR should direct the project applicant to incorporate appropriate Best Management Practices (BMPs) into the project design, including water quality treatment structures (detention basins, soft bottom drainages, vegetative swales, permeable pavement, etc.). Sufficient area must be allocated for the placement of appropriate BMPs. The BMPs shall be designed to retain storm flows and treat first-flush flows, low flows, and dry-weather flows.

B-5 ↓ The Abacherli produced water impoundment, owned by oil & gas producer, Optima Conservation Resources Exploration, LLC (OCRE), lies just outside the northwest

permanent impacts to USACE/RWQCB jurisdiction will be required as part of subsequent Section 404/401 permitting requirements. Permanent impacts to USACE/RWQCB jurisdiction shall be mitigated through on-site or off-site enhancement, restoration, and/or creation of jurisdictional streambed at ratio of no less than 2:1 as required by Measure BIO-5." While the project was designed to limit development to only the northern portion of the site, thus retaining the southern portion as undisturbed open space and maintaining existing drainage patterns therein, physical impacts to existing drainages within the northern development portion of the site would be mitigated through compensatory mitigation as described by mitigation measure BIO-5. The project would also comply with all associated permit conditions associated with the Section 404 and Section 401 permits issued by the USACE and RWQCB, respectively.

B-3 The commenter notes that the project could result in adverse effects to downstream water quality, particularly in receiving waters downstream, including Chino Creek and the Santa Ana River. However, as noted in **Section 4.8, Hydrology and Water Quality**, of the Draft EIR, the project would not adversely affect water quality or beneficial uses for downstream receiving waters due to the implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) during construction activities, as required by Mitigation Measure HYD-1, as well as implementation of the project-specific Best Management Practices (BMPs) and other design features required by the project's Preliminary Water Quality Management Plan (PWQMP) included as Appendix K of the Draft EIR. As noted in the PWQMP, the project would provide, among other features, a number of source control BMPs, Low Impact Development (LID) site design practices, and biotreatment BMPs, most notably the installation and maintenance of modular wetland systems. Such features would minimize the introduction

(Response continued below)

boundary of the project site and is currently under a Santa Ana Water Board issued Notice to Comply, dated August 20, 2019. The impoundment has a compromised bentonite clay liner that was built in the 1960's with an estimated thickness of 1.5 feet. The compromised clay liner contains deep cracks along the entire surface of the clay. According to the work plan for soil assessment, dated November 4, 2019, OCRE ceased the use of the Abacherli produced water impoundment as a produced water evaporation pond, but the current use of the pond is unknown at this time.

Although the impoundment is outside the proposed project area, Santa Ana Water Board staff encourage the applicants to coordinate any grading or construction activities with OCRE as it appears in the proposal that these activities may occur within OCRE's property. More information about this open case can be obtained by contacting Miguel Oviedo via phone or email at (951) 782-3238 or miguel.oviedo@waterboards.ca.gov.

In addition to the produced water impoundment noted above, there is an ongoing Standard Voluntary Agreement with the Department of Toxic Substances Control (Docket No. HSA-FY20/21-087) and TH Shady View, LLC to address areas within the project boundaries that are contaminated with petroleum hydrocarbons and volatile organic compounds. The Santa Ana Water Board must be made aware of any potential violations of water quality standards from stormwater runoff or other incidental discharges from the project, and any potential groundwater contamination arising from petroleum hydrocarbons and volatile organic compounds. Measures to ensure preservation of water quality standards must be taken during any remediation activities occurring in the project area and should be discussed in the DEIR.

If you have any questions, please contact Jason Freshwater at (951) 321-4576 or jason.freshwater@waterboards.ca.gov, or me at (951) 782-4995 or terri.reeder@waterboards.ca.gov.

Sincerely,

Terri S. Reeder
Digitally signed by Terri S. Reeder
Date: 2022.07.07 13:46:40
Water 15:07:00

Terri S. Reeder, PG, CEG, CHG
Supervisor, Coastal Waters Planning and CEQA Section

cc:

U.S. Army Corps of Engineers, Los Angeles office – Stephen Estes
Stephan.M.Estes@usace.army.mil

California Department of Fish and Wildlife, Ontario – Breanna Machuca,
Breanna.Machuca@wildlife.ca.gov

of pollutants of concern into stormwater flows leaving the project site and entering receiving water bodies that are currently impaired for Indicator Bacteria, Nutrients, Chemical Oxygen Demand, and pH. With implementation of the project-specific PWQMP and associated BMPs, impacts to downstream receiving waters would be less than significant as noted in the Draft EIR.

B-4 As noted in Response B-3 above, the project's PWQMP incorporates a wide range of BMPs as noted by the commenter, which would be implemented in the project design including detention basins, diversion structures, retaining permeable areas on-site, and modular wetland treatment systems, among others. Such features are intended to retain storm flows and treat first-flush flows, low flows, and dry-weather flows, as suggested by the commenter. No further response is warranted.

B-5 As noted by the commenter, the referenced water impoundment basin is not part of the project site and would not be physically impacted by the proposed development or associated grading activities. While the status of the off-site impoundment has not been confirmed, as this property is not under the control of the project applicant, it is anticipated that the facility is not being used for produced water evaporation. Thus, any activities involving the water impoundment basin would not be part of the proposed development. As relates to the removal and remediation of on-site soils impacted by petroleum hydrocarbons and VOCs, as discussed in **Section 4.7, Hazards and Hazardous Materials**, of the Draft EIR, the project would be required to implement various measures to address contaminated soils in order to minimize the potential for release of such materials into the environment, including into surface or groundwater bodies in the area. More specifically, Mitigation Measure HAZ-3 would require the approval and implementation of a Soil Management Plan, while

U.S. Fish and Wildlife Service, Palm Springs – Karin Cleary-Rose
Karin_Cleary-Rose@fws.gov
State.clearinghouse@opr.ca.gov

Mitigation Measure HAZ-6 would require that prior to the issuance of grading permits, the project applicant provide verification that a site investigation, under the California Department of Toxic Substances Control (DTSC)'s oversight, has been completed for the project. If the site investigation reveals that site cleanup is needed after the completion of the site investigation, the project applicant would be required to prepare and implement a Removal Action Workplan (RAW), under DTSC oversight. The project applicant would then need to complete the requirements of the RAW to the satisfaction of the DTSC and provide verification to the City that the requirements of the RAW have been completed to the satisfaction of the DTSC. The RAW would include measures for containment of contaminated soil materials such that notable impacts to surface or groundwater would be avoided. Implementation of the site-specific RAW, compliance with the requirements of SCAQMD Rule 1166 noted above in Response A-4, and implementation of the project-specific SWPPP required by Mitigation Measure HYD-1 would all minimize the potential for adverse effects on water quality during soil characterization and remediation activities. As such, no further response is warranted.

B-6 The commenter provides a closing statement and contact information for additional questions or discussion. No further response is warranted.

DIRECTORS

DENIS R. BILODEAU, P.E.
CATHY GREEN
GLORIA MA'AE
NELIDA MENDOZA
DINA L. NGUYEN, ESQ.
KELLY E. ROWE, C.E.G., C.H.
STEPHEN R. SHELDON
TRI TA
BRUCE WHITAKER
ROGER C. YOH, P.E.



ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

OFFICERS

President
STEPHEN R. SHELDON

First Vice President
CATHY GREEN

Second Vice President
TRI TA

General Manager
MICHAEL R. MARKUS, P.E., D.WRE

July 11, 2022

Ryan Gackstetter
Senior Planner
City of Chino Hills
14000 City Center Drive
Chino Hills, CA 91709

RE: Shady View Residential Project Draft Environmental Impact Report

Dear Mr. Gackstetter:

C-1

The Orange County Water District (OCWD) submitted a comment letter related to the Notice of Preparation (NOP) for the Shady View Residential Project dated July 27, 2021. Subsequently, the Draft EIR (SCH #2021060576) was circulated for public review in May 2022. Although our comment letter was included in the Draft EIR among the other NOP comment letters, our review of the Draft EIR concluded that the document did not incorporate any of our comments that were raised in our July 27, 2021 letter into the environmental analysis.

C-2

The comments that OCWD raised in our NOP comment letter can be summarized as follows:

1. The proposed project should study providing vehicle access for OCWD property to the project area and extension of public utilities;

C-3

2. The environmental analysis in the EIR should contemplate a residential housing project on the buildable areas of OCWD property west of State Highway 71 with annexation to Chino Hills;

C-4

3. To minimize impacts on the existing circulation system, improve traffic conditions and enhance public safety, the environmental analysis should study a right-only egress to State Highway 71 that could include District property.

PO Box 8300
Fountain Valley, CA 92728-8300

18700 Ward Street
Fountain Valley, CA 92708

(714) 378-3200
(714) 378-3373 fax

www.ocwd.com

C-1

The commenter provides an introduction to the comments included in the comment letter, and notes that these comments were previously submitted to the City in response to the project Notice of Preparation (NOP). The City acknowledges receipt of the referenced comments and included the comment letter in Appendix A of the Draft EIR, as noted by the commenter. However, the comments submitted by Orange County Water District (OCWD) did not warrant specific evaluation in the Draft EIR for a number of reasons, which are articulated in the individual responses to the comments provided below.

C-2

The commenter suggests that the Draft EIR should evaluate the (1) provision of vehicular access to the OCWD property located to the south of the project site and (2) the extension of public utilities southward from the project site. However, the comment letter provides no indication of the location of the referenced property or justification for why the project should be required to be designed to accommodate the extension of roads and utilities to off-site properties, particularly when there are no designated public road alignments or utility easements to facilitate such improvements. No public street extensions are identified for this area in the City's Circulation Element. Thus, the project provides an on-site circulation system that is comprised entirely of private streets and would include utility connections to off-site utilities that are intended only to serve the proposed on-site uses. In addition, while direct access to the OCWD property is provided directly from State Route 71 (SR-71), it appears that a number of other private roads exist to the east of SR-71 that could also provide access to properties south of the project site. Based on these circumstances, the City did not evaluate the extension of public roads or utilities to areas to the south of the project site since such a scenario is speculative at best and is not germane to the analysis of project impacts presented in the Draft EIR. No further response is warranted.

C-5

As these important concerns remain unaddressed and because no justification was provided in the Draft EIR as to why the document did not consider these comments, OCWD requests that the Draft EIR be revised to include an evaluation of the OCWD's NOP comments. If you should have any questions or need additional information regarding our comments, please contact Greg Woodside at (714) 378-3275 or by email at gwoodside@ocwd.com.

Sincerely,



Michael R. Markus, P.E., D.WRE, BCEE, F.ASCE
General Manager

- C-3 The commenter suggests that the Draft EIR should have evaluated a residential project on the buildable portion of the OCWD property located to the west of SR-71 and assume annexation to the City. However, as noted above, the comment letter provided no indication as to the location and nature of the OCWD property, how access would be provided, or the amount of development contemplated. The lack of these details precludes any meaningful evaluation of such future development as part of the analysis of potential cumulative effects. The mere assertion that some form of residential development may occur at some point in the future, without any tangible parameters or details, does not constitute a "reasonably foreseeable" future development warranting evaluation in an EIR prepared for a separate project in the area. Furthermore, the property appears to be located entirely within Riverside County, which would preclude annexation to the City of Chino Hills, as the OCWD is not within the City's Sphere of Influence or within the jurisdiction of the San Bernardino County Local Agency Formation Commission (LAFCO). As such, no further response is warranted.
- C-4 The commenter states that the Draft EIR should evaluate a right-only egress from the project site to SR-71, which *could* include the OCWD property. Again, the comment letter did not provide any graphics or other descriptors to indicate where the OCWD property is located, and thus exploration of such an option was not feasible, or appropriate, in the EIR. Nonetheless, it is not incumbent upon the project applicant or City as Lead Agency under CEQA to evaluate speculative scenarios that would facilitate potential future development of the OCWD property or any other off-site property that has no relation to the proposed development. As noted above in Response C-2, the project includes a private street system intended to serve the proposed uses on-site and not to facilitate future traffic volumes in the area that may or may not occur in

relation to speculative proposals on properties to the south. Lastly, while the commenter provides no details about the potential location of a right-only egress to SR-71, except that it could be provided via the OCWD property, the site elevation and grades relative to SR-71 at the project site would likely preclude direct access to the highway, and would also require extensive coordination and approvals from the California Department of Transportation (Caltrans), which would unnecessarily encumber the project as proposed, and further, such access is not necessary to address project-related circulation impacts. As such, the Draft EIR appropriately evaluated the circulation and access impacts of the project and cumulative impacts associated with known and reasonably foreseeable development in the area. No further response is warranted.

C-5 The commenter provides a closing statement regarding the comments presented in the comment letter. Responses to the comments are provided in Responses C-2 through C-4; thus, no further response is warranted.

PARKVIEW REAL ESTATE
13801 ROSWELL AVE STE D
CHINO, CA 91710
(909) 591-8477

7-8-2022

DEAR MR. GACKSTETTER,

AS BROKER (CA DRE #0078838)
AND REPRESENTING MY LISTINGS OF
HUNDREDS OF ACRES IN THE
CITY OF CHINO HILLS...
AROS



RATPOOT MOHAMED

IN CONJUNCTION WITH DAVIDSON;

ANY DEVELOPMENT SOUTH OF BUTTERFIELD RANCH
MUST INCLUDE ACCESS FOR INGRESS/EGRESS
OF ROADWAY AND UTILITIES.
J-Z JAMES THOMPSON

D-1 The commenter indicates that they are a real estate broker representing the interests of the owners of various properties located to the south of the projects site. This comment does not raise a substantive issue regarding the project or the analysis presented in the Draft EIR; as such, no further response is warranted.

D-2 The commenter asserts that any development south of Butterfield Ranch Road is required to provide vehicular access and the potential extension of utilities to areas within the City to the south. However, this assertion is not supported by the City and further, is not germane to the project as evaluated in the Draft EIR, as no planned, proposed, or reasonably foreseeable development on the properties referenced by the commenter has been identified by the City. Further, no planned public roads or utility easements to properties to the south of the project site have been identified that would warrant consideration of extended roads or utilities in the EIR for the proposed project. Accordingly, the EIR appropriately evaluates the impacts of the project and identified related projects in the various analyses presented therein. No further response is warranted.

From: [James Thompson](#)
To: [Ryan Gackstetter](#)
Subject: Fwd: Planning Commission
Date: Monday, July 11, 2022 16:43:10
Attachments: [Planning Commission.pdf](#)

----- Forwarded message -----

From: <parkviewrealestate@verizon.net>
Date: Mon, Jul 11, 2022 at 4:16 PM
Subject: Planning Commission
To: jimthompson8888@gmail.com <jimthompson8888@gmail.com>

Dear Mr. Gackstetter,

This letter confirms that my clients (Rajpoot, Aros) are in complete agreement with the letter sent to you today from Constance Wagner Davidson. Any new development must include access to the Chino Hills parcels to the south of the proposed Shady View project. This is important for not only access of traffic as well as utilities but also for fire safety as well as access to Hwy 71 safety.

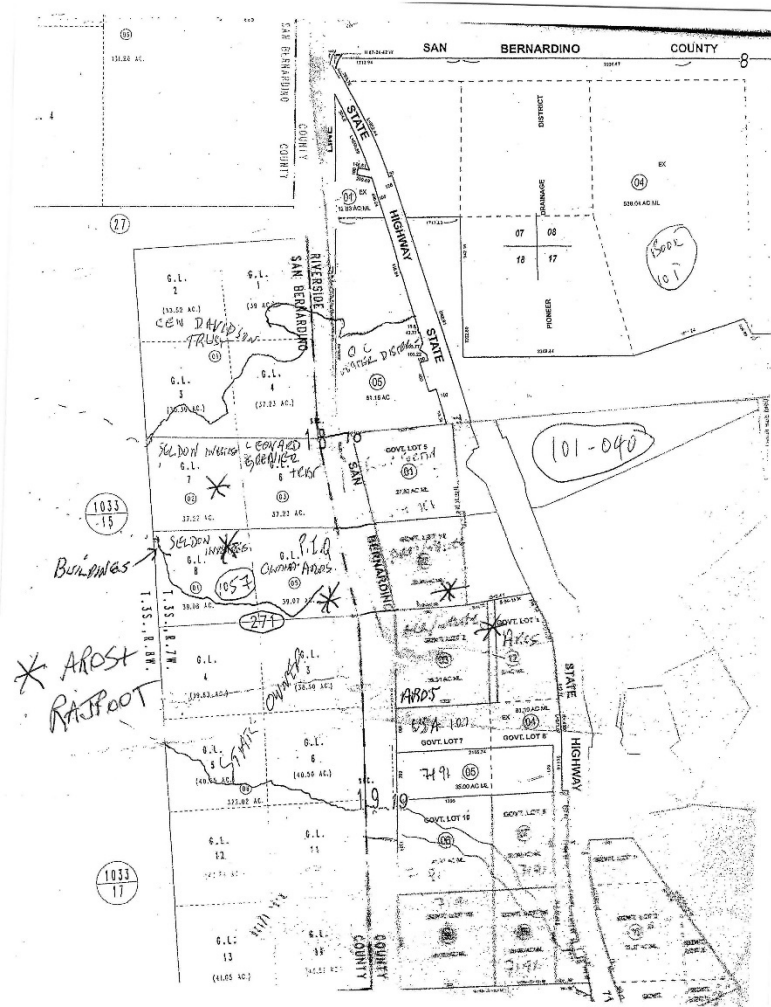
Respectfully,

James Thompson / Broker

P.s. map for Rajpoot/Aros to follow.

E-1

E-1 Please see Response D-2 above. The commenter indicates support for other comments submitted as part of the attached letter presented below. As noted above in Response D-2, the proposed project does not, and is not required to, include through-access for future roads or utility easements to serve potential future development projects to the south. Likewise, the project applicant and City are not required to provide, or evaluate in the project-specific CEQA document, speculative improvements for access and circulation for such development, including access to and from SR-71, which is under the sole control of Caltrans. Access for vehicles and future utility extensions to serve development projects on properties south of the project site would be planned, designed, reviewed, and implemented, as appropriate, by affected agencies at the time such proposals are brought forward. The project provides connections for public streets and utilities to serve the proposed residential uses on-site, and it is not incumbent on the project applicant or the City to require that the project provide through-access, easements, or other capacity improvements beyond those necessary to serve the proposed uses. No further response is warranted.



Wagner Development Group

Constance Wagner Davidson
DRE Lic: 00831005

REAL ESTATE
commercial
industrial
investment
brokerage
management

July 11, 2022

Planning Commission Members
c/o Ryan Gackstetter, Sr. Planner, Community Development Department
CITY OF CHINO HILLS
14000 City Center Drive
Chino Hills, CA 91709

Re: The Draft Environmental Impact Report (DEIR) (SCH #2021060576) for the Shady View Residential Project

Dear Chino Hills Planning Commission Members:

E-2 [Thank you for the opportunity to comment on the above referenced DEIR. We are tenants in common of a 145.11 acre parcel (AP# 1057-271-010) lying directly south of the planned Shady View Residential Project as depicted on the attached map.

E-3 [Although we have no issue with the overall concept of a residential development at the Shady View location, we are very concerned that the current TENTATIVE TRACT MAP 20317 and the traffic circulation design contemplated therein will leave our parcel LANDLOCKED, with no rights of access allowing for easy, consistent and permanent ingress and egress to our property, and that the circulation plan within Shady View is grossly insufficient with no future access through Shady View for our property.

E-4 [We have previously contacted the City of Chino Hills Community Development Department on several occasions regarding our concerns, as per our letter of 7-27-2021 which is included in "Appendix A" of the DEIR, and only recently were told informally they do not believe the City is responsible if we are landlocked due to this development. That is not our belief.

E-5 [Any current access off of or under Highway 71 through properties controlled by CalTrans and the State of California, the US Army Corps of Engineers, the County of Riverside, or the Orange County Water District, and having to essentially cross over or under the existing freeway into potential flood zones seems acutely unreasonable for the future of the area directly south of the Shady View project. In addition, the State of California, through CALTrans, may close off all access on to Highway 71 in the future. We should not have to be reliant upon other jurisdictions to give us the access and utilities we require as our property is within the boundaries of the City of Chino Hills.

Post Office Box 126 Corona del Mar, California 92625 Telephone 949-719-9222 Fax 949-719-9333

E-2 The commenter provides an introduction to the comments presented in the comment letter. Responses to the substantive comments contained in the letter are provided below.

E-3 The commenter suggests that implementation of the proposed project would render the properties to the south of the project site "landlocked" and inaccessible for vehicles. To the contrary, as noted in the commenter's NOP comment letter dated July 27, 2021, access to these properties is currently provided directly from SR-71 and not through the project site. As these properties currently have access provided directly from the State highway, it is not necessary, or even appropriate, for the project applicant to provide a secondary access through private property to serve future development on properties to the south. The Draft EIR, therefore, appropriately evaluates the access and circulation impacts of the project and identified related projects, as required by CEQA. No further response is warranted.

E-4 As noted by the commenter, the City is not responsible for providing vehicular access or utility easements across private property, or requiring the project applicant to do so as part of the project, as direct access to the properties to the south is currently available directly from SR-71. As with the proposed project, development on properties to the south would be responsible for identifying and providing adequate vehicular access and utility connections to serve future development on those parcels, whether within the City of Chino Hills or elsewhere. The provision of vehicular access or utility easements for future off-site development is not part of the project as proposed and thus was not evaluated in the Draft EIR. No further response is warranted.

E-5 As noted by the commenter, current vehicle access to off-site properties to the south is provided directly via SR-71, and thus

(Response continued below)

Page 2

E-6

The Tentative Tract Map is not sufficient because it fails to account for the likelihood of access to Highway 71 being terminated and the impact of creating landlocked parcels. This needs to be reassessed to take into account that potential of the 71 being closed off and how the properties to the south of Shady View will be affected.

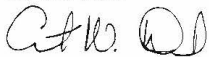
E-7

In addition, since there was no consideration within the DEIR Circulation Study extending the access to our properties to the south nor in Section 5 of the DEIR Transportation Study of vehicular trips potentially generated within the project from our properties from the south, we are requesting that the City of Chino Hills undertake additional study and review to ensure that the circulation within the Shady View project addresses any generation of additional vehicle trips from the south, while also ensuring our property does not become landlocked, nor have the potential to become landlocked in the future, by requiring the developer to extend one or more roads within the Shady View road circulation plan to our property line for the purpose of current and future access to and from the property. (See attached map for this extension.) Just as Butterfield Ranch extended their road to their southern property line for the purpose of protecting access for all the properties to the south, we are requesting a similar road extension made by Shady View to their southern property line for the same reason.

E-8

It is our position that the City of Chino Hills is responsible for ensuring that parcels within its jurisdiction are not landlocked as development occurs in order to allow for ALL Chino Hills properties to be developed to their allowed potential.

Very truly yours,



Constance Wagner Davidson

OFF: 949-719-9222

CELL: 939-933-3624

EMAIL: wagnerdavidson@earthlink.net

Cc: Richard A. McDonald, Esq.
Carlson & Nicholas, LLP

Richard K. Wagner, Pres.
RKW Development, Inc.

the provision of through-access on the project site is not necessary. Further, the commenter's speculation that Caltrans may revoke vehicle access at some point in the future is purely speculative and is not a rational basis for the suggestion that the proposed project provide through-access for future development to the south. The ownership of the various properties and agencies with jurisdiction in these off-site areas are not germane to the project or the analysis presented in the Draft EIR, as the project would have no direct connection to SR-71 or result in any direct or indirect effects on future development within the properties to the south. No further response is warranted.

E-6

The commenter suggests that the project design is "insufficient" in that it does not account for the "likelihood" of access to SR-71 being terminated. To the contrary, there is no evidence to suggest that current access via SR-71 to the off-site properties would not continue in the future. As such, aside from the fact that the project does not rely on such direct access to SR-71, the EIR need not evaluate such a speculative scenario as relates to accommodating future unrelated and undefined development within off-site properties. No further response is warranted.

E-7

Please refer to Responses E-3 through E-6 above. The commenter erroneously suggests that the Draft EIR should have evaluated not only the provision of through-access across the project site, but also account for future vehicle trips associated with future development to the south. However, as noted above, the project does not currently provide vehicle access to these off-site properties, and thus would not be expected (or required) to provide such access in the future. Furthermore, the commenter has provided no information regarding potential development of these properties such that a meaningful evaluation of potential cumulative traffic and circulation effects could be performed.

(Response continued below)

Again, the assertion that development of the proposed project would render the properties to the south as “landlocked” is not supported by any evidence, as access is currently provided directly via SR-71. It is not necessary for the Draft EIR prepared for the project to evaluate every possible scenario for access and future off-site development, but rather to evaluate potential impacts based on the best available information at the time the EIR is prepared. Future development within the properties to the south of the project site, whether within the City of Chino Hills or otherwise, would be subject to separate CEQA review, at which time the proposed vehicular access routes and facilities to meet those projects’ demands would be evaluated. As such, no further response is warranted.

E-8 The commenter provides a closing statement for the comments provided in this letter. As noted previously, the City is not responsible for providing access through the project site to properties to the south, as all on-site roads would be private and direct access to these properties is already provided directly via SR-71. Thus, implementation of the project would not result in the properties to the south being “landlocked” as suggested by the commenter. No further response is warranted.

Wagner Development Group

Constance Wagner Davidson
DRE Lic: 00831005

REAL ESTATE
commercial
industrial
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brokerage
management

July 11, 2022

Planning Commission Members
c/o Ryan Gackstetter, Sr. Planner, Community Development Department
CITY OF CHINO HILLS
14000 City Center Drive
Chino Hills, CA 91709

Re: The Draft Environmental Impact Report (DEIR) (SCH #2021060576) for the Shady View Residential Project

Dear Chino Hills Planning Commission Members:

F-1 Thank you for the opportunity to comment on the above referenced DEIR. We are tenants in common of a 145.11 acre parcel (AP# 1057-271-010) lying directly south of the planned Shady View Residential Project as depicted on the attached map.

F-2 Although we have no issue with the overall concept of a residential development at the Shady View location, we are very concerned that the current TENTATIVE TRACT MAP 20317 and the traffic circulation design contemplated therein will leave our parcel LANDLOCKED, with no rights of access allowing for easy, consistent and permanent ingress and egress to our property, and that the circulation plan within Shady View is grossly insufficient with no future access through Shady View for our property.

F-3 We have previously contacted the City of Chino Hills Community Development Department on several occasions regarding our concerns, as per our letter of 7-27-2021 which is included in "Appendix A" of the DEIR, and only recently were told informally they do not believe the City is responsible if we are landlocked due to this development. That is not our belief.

F-4 Any current access off of or under Highway 71 through properties controlled by CalTrans and the State of California, the US Army Corps of Engineers, the County of Riverside, or the Orange County Water District, and having to essentially cross over or under the existing freeway into potential flood zones seems acutely unreasonable for the future of the area directly south of the Shady View project. In addition, the State of California, through CALTrans, may close off all access on to Highway 71 in the future. We should not have to be reliant upon other jurisdictions to give us the access and utilities we require as our property is within the boundaries of the City of Chino Hills.

F-1 Refer to Response E-2 above.

F-2 Refer to Response E-3 above.

F-3 Refer to Response E-4 above.

F-4 Refer to Response E-5 above.

Page 2

F-5

The Tentative Tract Map is not sufficient because it fails to account for the likelihood of access to Highway 71 being terminated and the impact of creating landlocked parcels. This needs to be reassessed to take into account that potential of the 71 being closed off and how the properties to the south of Shady View will be affected.

F-6

In addition, since there was no consideration within the DEIR Circulation Study extending the access to our properties to the south nor in Section 5 of the DEIR Transportation Study of vehicular trips potentially generated within the project from our properties from the south, we are requesting that the City of Chino Hills undertake additional study and review to ensure that the circulation within the Shady View project addresses any generation of additional vehicle trips from the south, while also ensuring our property does not become landlocked, nor have the potential to become landlocked in the future, by requiring the developer to extend one or more roads within the Shady View road circulation plan to our property line for the purpose of current and future access to and from the property. (See attached map for this extension.) Just as Butterfield Ranch extended their road to their southern property line for the purpose of protecting access for all the properties to the south, we are requesting a similar road extension made by Shady View to their southern property line for the same reason.

F-7

It is our position that the City of Chino Hills is responsible for ensuring that parcels within its jurisdiction are not landlocked as development occurs in order to allow for ALL Chino Hills properties to be developed to their allowed potential.

Very truly yours,



Constance Wagner Davidson

OFF: 949-719-9222

CELL: 939-933-3624

EMAIL: wagnerdavidson@earthlink.net

Cc: Richard A. McDonald, Esq.
Carlson & Nicholas, LLP

Richard K. Wagner, Pres.
RKW Development, Inc.

F-5

Refer to Response E-6 above.

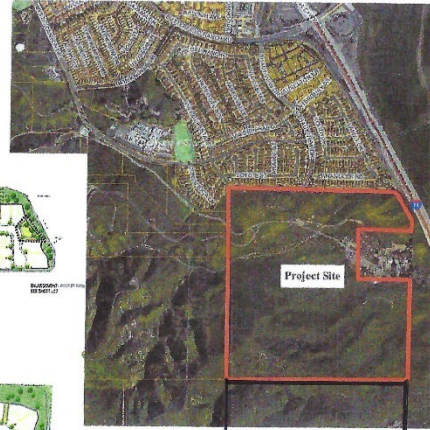
F-6

Refer to Response E-7 above.

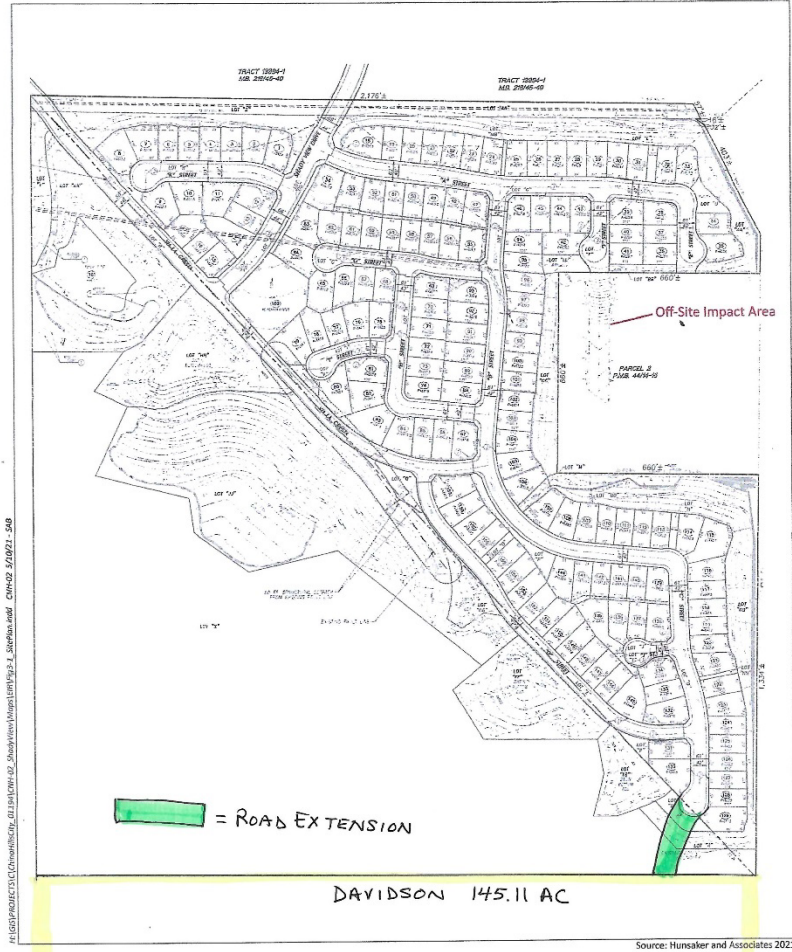
F-7

Refer to Response E-8 above.

CONCEPTUAL LAYOUT



DAVIDSON
145.11 AC



3.0 CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15132(a), this section of the Final Environmental Impact Report (EIR) provides changes to the Draft EIR that have been made to revise, clarify, correct, or supplement the environmental impact analysis for the Shady View Residential Project (project). These changes and additions are to respond to comments received on the Draft EIR during the public review period. The changes described in this Section do not add significant new information to the Draft EIR that would require recirculation of the Draft EIR. More specifically, CEQA requires recirculation of a Draft EIR only when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (refer to California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5), but before the EIR is certified. Section 15088.5 of the CEQA Guidelines specifically states: “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible alternative) that the project’s proponents have declined to implement. ‘Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

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

CEQA Guidelines Section 15088.5 also provides that “[re]circulation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR...A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.”

As demonstrated in this Final EIR, the changes presented in this section do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Changes to the Draft EIR are indicated under the respective EIR section heading, page number, and/or paragraph, as appropriate. Paragraph reference is to the first full paragraph on the page. Deletions are shown with ~~strike through~~ and additions are shown with double underline.

Section 1.0 – Introduction

The following text on Page 1-3 in Section 1.0, *Introduction*, of the Draft EIR will be modified as follows:

1.3.2.7 South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) is the air pollution agency responsible for regulating stationary sources of air pollution in the South Coast Air Basin. The SCAQMD would be responsible for issuing a Permit to Construct/Permit to Operate for the new tanks. In addition, the SCAQMD will also be responsible for enforcement of Rule 1166 regarding emissions of Volatile Organic Compounds (VOCs) associated with the removal of contaminated soils on the project site.

Section 3.0 – Project Description

Text in the first paragraph under Subsection 3.5, Discretionary Actions, in Section 3.0, *Project Description*, of the Draft EIR, will be modified as follows:

This EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, and state permits and/or approvals which may be needed to implement the project. The anticipated discretionary approvals are identified in Table 3-4, *Anticipated Discretionary Actions*, below. Implementation of the proposed project would result in permanent impacts to approximately 0.89 acre of California Department of Fish and Wildlife (CDFW) jurisdiction. Impacts to CDFW jurisdiction will require a Section 1602 Stream Alteration Agreement from the CDFW. Implementation of the proposed project would result in permanent impacts to approximately 0.21 acre of United States Army Corps of Engineers (USACE)/Regional Water Quality Control Board (RWQCB) non-wetland waters of the U.S. Impacts to USACE/RWQCB jurisdiction will require a Section 404 permit from USACE and a Section 401 certification from RWQCB. The construction and operation of new oil storage tanks at the project site, as well as the excavation and handling of on-site soils contaminated with Volatile Organic Compounds (VOCs) will require the issuance of permits and approval of a Site-Specific Mitigation Plan by the SCAQMD. This list is not meant to be exhaustive or final; other approvals may be identified during the implementation process.

Table 3-4
ANTICIPATED DISCRETIONARY ACTIONS

Action/Approval/Permit	Agency
Certification of EIR	City of Chino Hills
Tentative Tract Map	City of Chino Hills
Residential Design Review	City of Chino Hills
Conditional Use Permit for relocation of oil facilities	City of Chino Hills
Clean Water Action Section 404 Permit	USACE
Clean Water Act Section 401 Water Quality Certification	RWQCB
Fish and Game Code Section 1602 Streambed Alteration Agreement	CDFW
NPDES Construction Activities Storm Water General Permit	RWQCB
<u>Oil Storage Facility Permits and Site-Specific VOC Soil Mitigation Plan</u>	<u>SCAQMD</u>

Section 4.2 – Air Quality

The following text will be inserted immediately above Subsection 4.2.3, Methodology and Assumptions, on page 4.2-9 in Section 4.2, *Air Quality*, of the Draft EIR:

Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

Text on Page 4.2-9 in Section 4.2, *Air Quality*, of the Draft EIR will be modified as follows:

Construction Activities

Construction emissions were estimated based on the timeline provided by the project applicant, which assumes construction would commence with grading in the autumn of 2022 and the first model homes would be complete in late 2024. The quantity, duration, and intensity of construction activity influence the amount of construction emissions and related pollutant concentrations that occur at any one time. As such, the emission forecasts provided herein reflect a specific set of conservative assumptions based on the expected construction scenario wherein a relatively large amount of construction activity is occurring in a relatively intensive manner. Because of this conservative assumption, actual emissions could be less than those forecasted. If construction is delayed or occurs over a longer time period, emissions could be reduced because of: (1) a more modern and cleaner-burning construction equipment fleet mix than assumed in CalEEMod; and/or (2) a less intensive buildout schedule (i.e., fewer daily emissions occurring over a longer time interval).

As discussed in Section 3.0, *Project Description*, of this Draft EIR, project grading activities would include the excavation and removal of up to 19,000 cubic yards of soil, a portion of which has been contaminated by VOCs associated with historic oil extraction operations in on the site. Excavation and handling of VOC-contaminated soil could potentially contribute to increased VOC emission on the site during grading activities if not properly controlled. However, as required by SCAQMD Rule 1166, the excavation, handling, and transport of VOC-contaminated soil would be subject to the requirements of a Site-Specific Mitigation Plan, which would require approval from the SCAQMD Executive Officer prior to any excavation or handling of VOC-contaminated soil materials on the project site and would limit VOC emissions associated with soil remediation activities. With implementation of the SCAQMD-approved Mitigation Plan, VOC emissions associated with the excavation of contaminated soils are anticipated to be nominal and thus are not included in the estimated construction-related VOC emissions for the project.

The construction schedule assumed in the modeling is shown in Table 4.2-5, *Anticipated Construction Schedule*.

Text on Page 4.2-15 in Section 4.2, *Air Quality*, of the Draft EIR will be modified as follows:

As shown in Table 4.2-8, the maximum daily unmitigated emissions for NO_x of 113 pounds per day during the grading phase would exceed the SCAQMD significance threshold. As discussed previously, NO_x is an ozone precursor. The exceedance is largely due to the number of pieces of offroad equipment required for grading activities. As shown previously in Table 4.2-6, grading

would require the use of up to 15 pieces of offroad construction equipment, including 8 scrapers. Therefore, the impact would be potentially significant if not mitigated.

As noted above, VOC emissions associated with the excavation, handling, and off-site disposal of contaminated soil materials would be subject to the requirements of SCAQMD Rule 1166, including implementation of a Site-Specific Mitigation Plan for VOC-contaminated soils, which would minimize the potential for VOC emissions during soil removal activities and would limit VOC emissions associated with soil remediation activities. As the soil removal activities would occur during the overall site grading phase, which as shown in Table 4.2-8 would result in up to 10.17 lbs/day of unmitigated VOC emissions, the relative contribution of soil remediation activities would not have the potential to meaningfully increase project VOC emissions, and grading-related VOC emissions would remain well below the 75 lbs/day threshold.

Text on Page 4.2-20 in Section 4.2, *Air Quality*, of the Draft EIR will be modified as follows:

Emissions from construction equipment, such as diesel exhaust, and VOCs from contaminated soil excavation/removal, architectural coatings and paving activities may generate odors; however, these odors would be temporary, intermittent, and not expected to affect a substantial number of people. Further, as required by SCAQMD Rule 1166, the excavation, handling, and transport of VOC-contaminated soil would be subject to the requirements of a Site-Specific Mitigation Plan, which would require approval from the SCAQMD Executive Officer prior to any excavation or handling of VOC-contaminated soil materials on the project site and would limit VOC emissions associated with soil remediation activities. Additionally, noxious odors would be confined to the immediate vicinity of construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Long-term operation of the project would not be a substantial source of objectionable odors. Therefore, the project would not create objectionable odors affecting a substantial number of people, and the impact would be less than significant.

Appendix B – Air Quality and Greenhouse Gas Emissions Technical Report

The following text will be inserted immediately above Subsection 2.2, Greenhouse Gases, on page 8 of the project Air Quality and Greenhouse Gas Emissions Technical Report (Appendix B of the Draft EIR):

Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

Text on Page 22 of the project Air Quality and Greenhouse Gas Emissions Technical Report (Appendix B of the Draft EIR) will be modified as follows:

The proposed grading will not require disposal of soil, except for soil from areas around the oil tank operations. It is expected that this soil or some of it may be classified as non-hazardous petroleum impacted soil. The maximum estimated export would not exceed 19,000 cubic yards. This assumes 15 feet of excavation and removal at all areas of potential contamination. Contaminated soil can be deposited at 14039 Santa Ana Avenue, Fontana. As required by

SCAQMD Rule 1166, the excavation, handling, and transport of VOC-contaminated soil would be subject to the requirements of a Site-Specific Mitigation Plan, which would require approval from the SCAQMD Executive Officer prior to any excavation or handling of VOC-contaminated soil materials on the project site and would limit VOC emissions associated with soil remediation activities.

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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP), which is provided below in **Table 4-1, *Mitigation Monitoring and Reporting Program for the Shady View Residential Project***, has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMRP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Chino Hills (City) is the lead agency for the project under CEQA and shall administer and implement the MMRP. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition. The City shall rely on information provided by the project site observers/monitors (e.g., construction manager, project manager, archaeologist, etc.) as accurate and up-to-date and shall provide personnel to field check mitigation measure status, as required.

The MMRP for the project will be in place through all phases of the project, including construction and operation (both prior to and post-occupancy). Each mitigation measure is categorized by impact area, with an accompanying identification of:

- The phase of the project during which the measure should be monitored;
 - Pre-construction
 - Construction
 - Prior to occupancy
 - Post-occupancy
- The enforcement agency; and
- The monitoring agency.

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Table 4-1
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SHADY VIEW RESIDENTIAL PROJECT

Mitigation Measure		Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
				Initials	Date
AIR QUALITY					
AQ-1	Tier IV Off-Road Construction Equipment. All off-road diesel-powered equipment rated at 50 horsepower or greater used on the project site during construction of the project shall be USEPA Tier IV (or better) certified or have CARB approved engine/exhaust retrofit kits to result in equivalent emissions. Prior to issuing permits, the City shall verify that construction contracts specify the off-road equipment certification or retrofit requirements. The applicant shall compile and maintain an inventory, including documentation of engine certification or emissions retrofits, of all off-road diesel-powered equipment rated at 50 horsepower or greater used on the project site during construction. The inventory shall be available for review and verification by the City on demand.	Prior to issuance of grading permits, requirement to be included in construction contract specifications Throughout construction activities	City/ Construction contractor		
BIOLOGICAL RESOURCES					
BIO-1	Sensitive Bat Species. Due to presence of potentially suitable habitat for sensitive bat species, the following avoidance and minimization measures shall be implemented to avoid potential indirect impacts to these two species: (1) Construction activities (i.e., earthwork, clearing, grubbing, etc.) shall occur outside the bat maternity roosting season (April 1 through August 31). (2) If construction activities are proposed within the bat maternity roosting season, a qualified biologist experienced with bats shall conduct a pre-construction survey within all suitable habitat on the study area. The pre-construction survey shall be conducted 30 days prior to commencing construction activities and shall consist of two separate surveys conducted no more than a week apart. The second and final survey should be conducted no more than seven days prior to commencing construction activities. The pre-construction surveys should be conducted using a detector for echolocation calls, such as an Anabat bat detector system. The results of the pre-construction survey shall be documented by the qualified biologist and submitted to the City. If the qualified biologist determines that no sensitive bat maternity roosts are present, the construction activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that sensitive bat maternity roosts are present, the following avoidance and minimization measures	Prior to and throughout grading and construction activities	City		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
shall be implemented: (A) No construction activities may occur within 300 feet of any sensitive bat maternity roosts. A qualified biologist shall clearly delineate any bat maternity roosts and any required avoidance buffers, which shall be clearly marked with flags and/or fencing prior to the initiation of construction activities. (B) If construction activities are proposed within 300 feet of a sensitive bat maternity roost, a biological monitor shall be required to observe the behavior of any roosting bats. The construction supervisor shall be notified if the construction activities appear to be altering the bats' normal roosting behavior. No construction activities will be allowed within 300 feet of bat maternity roosts until the additional minimization measures are taken, as determined by the biological monitor in coordination with CDFW. The biological monitor shall prepare written documentation of all monitoring activities and any additional minimization measures that were taken, which shall be submitted to CDFW at the completion of construction activities.				
BIO-2 Coast Horned Lizard. A qualified wildlife biologist will monitor initial clearing of suitable habitat (i.e., California sagebrush scrub). If coast horned lizard individuals are found in the project footprint, the biologist(s) shall direct all work to occur within an area of the study area away from coast horned lizard. The biologist(s) shall passively flush individuals away from the active work area. The qualified biologist(s) shall submit to CDFW the number and locations of coast horned lizard disturbed by vegetation removal activities.	Site clearing and grubbing	City		
BIO-3 Burrowing Owl. In compliance with the CDFW Staff Report on BUOW Mitigation (2012), a take avoidance survey shall be conducted on the study area within 14 days prior to ground disturbance to determine presence of BUOW. If the take avoidance survey is negative and BUOW is confirmed absent, then ground-disturbing activities shall be allowed to commence, and no further mitigation would be required. If BUOW are observed during the take avoidance survey, active burrows shall be avoided by the project in accordance with the CDFW's Staff Report (2012). The CDFW shall be immediately informed of any BUOW observations. A BUOW Protection and Relocation Plan (plan) shall be prepared by a qualified biologist, which must be sent for approval by CDFW prior to initiating ground disturbance. The plan shall detail avoidance measures that shall be implemented during construction and passive or active relocation methodology.	Prior to and throughout grading and construction activities	City / Construction contractor		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
Relocation shall only occur outside of the nesting season (September 1 through January 31).				
BIO-4 Coastal California Gnatcatcher. Due to presence of CAGN and suitable habitat within the study area, the following measures shall be implemented to minimize and avoid potential direct impacts: 1. Prior to issuance of a grading permit, it shall be demonstrated that FESA consultation with USFWS regarding the project's effects to CAGN has occurred and that the USFWS has authorized such take through an incidental take statement or incidental take permit, as applicable. Compensatory mitigation for permanent direct impacts to 25.65 acres of suitable CAGN habitat identified in this report shall be offset through compensatory mitigation which may include, but is not necessarily limited to, on-site or off-site California sage scrub preservation, enhancement, restoration, and/or creation at a ratio of no less than 1:1. However, if the USFWS issues a biological opinion or incidental take permit for the project that covers CAGN, that document will supersede any measures and mitigation ratios provided in this report. Mitigation for the project's effects to CAGN shall be determined by USFWS in accordance with the FESA consultation process and the biological opinion or incidental take permit that is issued by USFWS for the project. 2. If construction activities (i.e., earthwork, clearing, and grubbing) occur outside of the CAGN nesting season (September 1 through February 15), the following measures shall be implemented to avoid potential impacts. a. Pre-Construction Surveys: A pre-construction survey shall be conducted by the qualified biologist(s) to confirm that CAGN are absent, or breeding and nesting activities are not within 500 feet of the outer limits of disturbance. The survey shall be conducted no more one day prior to impacts to suitable habitat. b. Biological Monitoring: A qualified biologist(s) shall monitor initial clearing of suitable habitat. If CAGN are found in the project footprint, the biologist(s) shall direct all work to occur within an area of the study area away from CAGN. The biologist(s) shall passively flush individuals away	Prior to and throughout grading and construction activities	City / Construction contractor		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
from the active work area. The qualified biologist(s) shall submit to USFWS the number and locations of CAGN disturbed by vegetation removal activities. 3. If construction activities (i.e., earthwork, clearing, grubbing, etc.) are proposed within the CAGN nesting season (February 15 through August 31), the following measures shall be implemented to avoid potential impacts: a. Pre-Construction Surveys: Following notification to USFWS, a pre-construction survey shall be conducted by the qualified biologist(s) to confirm that CAGN are absent or breeding and nesting activities are not present within 500 feet of the outer limits of disturbance. The survey shall be conducted one day prior to impacts to suitable habitat and USFWS will be notified at least seven days prior to initiation of the survey. The qualified biologist(s) shall submit to USFWS the number and locations of CAGN observed on and within 500 feet of the project footprint. b. Biological Monitoring: Construction activities shall not occur within 500 feet of an active CAGN nest unless noise monitoring and/or noise attenuation measures are implemented (see below). Noise monitoring and noise attenuation measures shall be approved by USFWS prior to implementation. A qualified biologist(s) shall monitor initial clearing of suitable habitat. After vegetation removal is complete, surveys shall be completed once per week during project construction that occurs within the breeding season. Weekly surveys may be suspended if approved by USFWS c. Noise Monitoring: If an active nest is observed on or within 500 feet of the project footprint, a qualified acoustician shall assess the potential for noise levels to exceed 60 A-weighted decibels (dB[A]) hourly in areas occupied by the CAGN, or an hourly average increase of 3 dB(A) if existing ambient noise levels exceed 60 dB(A). The qualified acoustician shall coordinate with the qualified biologist(s) and USFWS to identify noise attenuation measures. Construction may proceed within 500 feet of an active nest if noise levels are maintained below a 60 dB(A) hourly average, or below an hourly average increase of 3 dB(A) if existing				

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
ambient noise levels exceed 60 dB(A), near the nest site and as approved by USFWS. i. A qualified acoustician shall be retained to determine ambient noise levels for construction activities within 500 feet of active nests. Noise levels near the nest site shall not exceed an hourly average of 60 dB(A), or an hourly average increase of 3 dB(A) if existing ambient noise levels exceed 60 dB(A). If project-related noise levels exceed the threshold described above, construction activities shall cease until additional minimization measures are taken to reduce project-related noise levels to below an hourly average of 60 dB(A), or below an hourly average increase of 3 dB(A) if existing ambient noise levels exceed 60 dB(A). If additional measures do not decrease project-related noise levels below the thresholds described above, construction activities shall cease until CDFW and/or USFWS are contacted to discuss alternative methods. ii. All project personnel shall attend a training program presented by a qualified biologist prior to construction activities. The training program shall inform project personnel about the life history of CAGN and all avoidance and minimization measures. iii. The construction contractor shall only allow construction activities to occur during daylight hours. iv. The construction contractor shall require functional mufflers on all construction equipment (stationery or mobile) used within or immediately adjacent to any 500-foot avoidance buffers to reduce construction equipment noise. Stationary equipment shall be situated so that noise generated from the equipment is not directed towards any suitable habitat for the CAGN. v. The construction contractor shall place staging areas as far as feasible from any suitable CAGN habitat.				

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
vi. The biological monitor shall prepare written documentation of all monitoring activities at the completion of construction activities, which shall be submitted to USFWS.				
BIO-5 Jurisdictional Resources. Prior to issuance of a grading permit for impacts to jurisdictional resources, the Project Applicant shall obtain the necessary regulatory permits from USACE, RWQCB, and CDFW (collectively, the “Resource Agencies”). Permanent impacts to jurisdictional resources shall be mitigated through on-site or off-site enhancement, restoration, and/or creation of jurisdictional streambed and/or riparian habitat at a ratio of no less than 2:1. The following minimization measures shall be implemented during construction: • Use of standard Best Management Practices (BMPs) to minimize the impacts during construction. • Construction-related equipment shall be stored in developed areas, outside of drainages. • Source control and treatment control BMPs shall be implemented to minimize the potential contaminants that are generated during and after construction. Water quality BMPs shall be implemented throughout the project to capture and treat potential contaminants. • To avoid attracting predators during construction, the project shall be kept clean of debris to the extent possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from site. • Employees shall strictly limit their activities, vehicles, equipment, and construction material to the proposed project footprint, staging areas, and designated routes of travel. • Exclusion fencing should be maintained until the completion of construction activities.	Prior to issuance of a grading permit and throughout construction activities	City/ Construction contractor		
BIO-6 Nesting Birds. To the extent possible, construction activities (i.e., earthwork, clearing, and grubbing) shall occur outside of the general bird nesting season for migratory birds, which is March 15 through August 31 for songbirds and January 15 to August 31 for raptors.	Prior to grading and construction and as needed during construction	City/ Construction contractor		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory birds and raptors (January 15 and August 31), a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and CFG Code. The pre-construction survey shall be performed no more than seven days prior to the commencement of construction activities. The results of the pre-construction survey shall be documented by the qualified biologist and submitted to the City prior to construction. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations to minimize disturbance to nesting birds. In addition, to the nesting bird survey described above, a golden eagle specialist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active golden eagle nests. The golden eagle pre-construction survey shall be performed no more than seven days prior to the commencement of construction activities. If nests are observed, the qualified biologist may recommend avoidance and minimization measures, such as setback buffers, depending on the location of the nest and the type of activity occurring in the vicinity/view of the nest. The results of the pre-construction survey shall be documented by the golden eagle specialist and submitted to the City prior to construction.				
BIO-7 City-protected Trees. Prior to construction, a tree survey shall be conducted within the development footprint to determine the number of City-protected trees that will be impacted by the project. The Project Applicant shall obtain a Tree Permit in accordance with the City's Tree Preservation Ordinance (Chapter 16.90 of the City's Municipal Code; City 2020) prior to impacting protected trees. The Project Applicant shall replace impacted City-protected trees proposed for	Prior to ground disturbing or vegetation removal activities	City		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
removal by planting replacement trees on-site, or off-site if deemed acceptable by the Director. Replacement ratios shall be determined based on requirements described in Section 16.90.070 of the Tree Preservation Ordinance. All replacement trees shall be approved by the City. All City-protected tree removals shall be conducted in the presence of an ISA-certified arborist approved by the City.				
CULTURAL AND TRIBAL CULTURAL RESOURCES				
CUL-1 Archaeological and Native American Construction Monitoring. Prior to the issuance of grading permits, the project applicant shall prepare an archaeological and Native American monitoring program that shall be reviewed and approved by the City's Community Development Department. The monitoring program shall include the retention of a qualified archaeologist and a Native American (NA) monitor. The archaeological and NA monitors shall attend a pre-construction meeting with the construction manager and be in attendance during ground disturbing activities at the project site, including brushing/grubbing, excavation, grading, trenching, etc. in soils with a potential for cultural material (e.g., not formation material). The archaeological and NA monitors shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity if cultural resources are encountered. If significant cultural material is encountered, the project archaeologist will coordinate with the applicant, representatives of the Consulting Tribe(s), and City staff to develop and implement appropriate avoidance, preservation, or mitigation measures. If significant cultural material is encountered, the project archaeologist will coordinate with the applicant, representatives of the Consulting Tribe(s), and City staff to develop and implement appropriate avoidance, preservation, or mitigation measures.	Prior to ground disturbing activities This mitigation measure shall be included in construction documents for implementation during construction	City and Kizh tribal representatives		
TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. A. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the "Kizh" or the "Tribe") - the direct lineal descendants of the project	Prior to grading or construction activities	City/ Construction contractor and Kizh tribal representatives		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
location. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project. D. The project applicant/developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project’s construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project’s compliance with the TCR mitigation measures. E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American				

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
(ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request. F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.				
TCR-2 Discovery of TCRs, Human Remains, and/or Grave Goods A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/ recovery of the discovered TCR and surveyed the surrounding area. B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes. C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American “human remains” are defined to include “an inhumation or cremation, and in any state of decomposition or skeletal completeness.” (Pub. Res. Code §5097.98 (d)(1).) Funerary objects, referred to as “associated grave goods,” shall be	Prior to and throughout grading activities This mitigation measure shall be included in construction documents for implementation during construction	City/ Construction contractor and Kizh tribal representatives		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code §5097.98 (a), d)(1) and (2).) D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code §7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed. E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. §15064.5(f).) F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods. G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.				
TCR-3 Procedures for Burials, Funerary Remains, and Grave Goods	Throughout grading and construction activities	City/ Construction contractor and		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
A. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance. B. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains. C. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. D. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated “grave goods” (e.g., burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials. E. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. F. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of	This mitigation measure shall be included in construction documents for implementation during construction	Kizh tribal representatives		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity. G. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery. H. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.				
GEOLOGY AND SOILS				
GEO-1 Structural Fault Setback. To avoid impacts associated with fault rupture, the project applicant shall ensure a setback of 50 feet, consistent with the setback required by the California Alquist-Priolo Earthquake Fault Zoning Act, is maintained between all habitable structures and the surveyed location of the active fault trace. The final position of the 50-foot setback shall be based on finished grade elevations, shown on project plans and construction documents, and shall be subject to review and approval from the City Engineer and/or City Building Official.	Prior to final site design approval	City		
GEO-2 Paleontological Monitoring. Prior to construction, the owner/permittee shall retain a qualified paleontological monitor, acceptable to the City. The paleontological monitor shall attend pre-construction meeting(s) with the construction manager and shall be present during all initial cutting, grading, or excavation of previously undisturbed areas. If a fossil is encountered, all operations in the area where the fossil was found shall be suspended immediately, the City shall be notified, and a qualified paleontologist shall be retained by the City to evaluate the significance of the find; salvage, record, clean,	Prior to grading and construction activities This mitigation measure shall be included in construction documents for implementation during construction	City/ Construction contractor		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
and curate significant fossil(s); and document the find in accordance with current professional paleontological standards. Within 30 days of completion of ground-disturbing activities, either a letter signed by the paleontological monitor stating that no fossils were found or, if fossils were found, a report prepared by the qualified paleontologist documenting the mitigation program shall be submitted to the City.				
HAZARDS AND HAZARDOUS MATERIALS				
HAZ-1 Pipeline Maintenance. The operator of the adjacent oil operations shall conduct pipeline maintenance as required by CalGEM. Pipeline maintenance includes testing on all newly installed, repaired, or modified existing pipelines prior to starting or re-starting operations. Any pipeline having a leak of reportable quantity must successfully pass pressure-testing before returning to service. Additionally, CalGEM-regulated pipelines must be tested on a periodic basis. Active oil or gas pipelines located in high-risk area (high-risk areas include those within 300 feet from any public recreation area, residences, schools, hospitals, or businesses), such as environmentally sensitive, urban, and sensitive areas, require biennial testing after reaching the age of 10 years. Acceptable testing methods include pressure testing, ultrasonic, and smart pigging. Approval from CalGEM is required before using a testing method other than pressure testing or ultrasonic testing to determine wall thickness. CalGEM recommends operators seek input from CalGEM when planning an ultrasonic test of a pipeline located in a high-risk area (NTO 2019-09). Operators may conduct pipeline leak inspection per CCR Title 14, Division 2, Chapter 4 Section 1774.1 and without notification to CalGEM as this activity is not testing. Furthermore, pipelines not located within high-risk areas are to be tested at a minimum per the interval specified by Cal-OSHA. Operators must notify the local CalGEM district office at least two days prior to any required pipeline testing. CalGEM does not require test notification for pipelines not located within high-risk areas, unless these pipelines are tested following a repair due to a reportable leak.	Throughout operation of oil production activities	City/CalGEM		
HAZ-2 Tank Maintenance. The operator of the adjacent oil operations shall conduct tank maintenance inspections as required by CalGEM, at least once a month on all in-service tanks associated with oil and gas production. Operators shall inspect the tanks for the following:	Throughout operation of oil production activities	City/CalGEM		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
1. Leakage at base, seams, associated piping, tank shell plugs, or any other fitting that could leak. 2. Presence of corrosion or shell distortions. 3. General condition of the foundation, including any signs of settling or erosion that may undermine the foundation. 4. Condition of paint coatings, insulation systems, and tank grounding system components if present. Monthly inspection findings shall be documented either on paper or electronically. The records shall be maintained and easily accessible so that a CalGEM inspector can review them. California requires that the walls or sides of in-service tanks be tested for thickness every five (5) years, unless otherwise approved by the CalGEM State Supervisor of Oil and Gas. Operators must notify CalGEM two days or more prior to conducting required tank testing. Tank wall thickness testing shall be performed by a reputable tank inspection company using ultrasonic thickness-testing equipment to measure the wall thickness in various places. Using the smallest thickness measured from the various readings, the inspector can potentially determine the tank corrosion rate. If the corrosion rate can be determined, inspection time intervals, subject to approval by the CalGEM State Supervisor of Oil and Gas, may be extended, but must still be done at least once every 15 years. The minimum thickness for a tank shell is 0.06 inch. In-service tanks shall be internally inspected and tested to determine bottom plate thickness no less than once every 20 years. A tank is exempt from this requirement if: the tank is not an environmentally sensitive tank, it is not in an urban area, and is not located above subsurface fresh water; or the sub-base of the foundation of the tank has an impermeable barrier designed to prevent downward fluid migration and to allow leaks to drain away from the tank; or the tank has a properly installed, operating and maintained leak detection system. The internal inspection and bottom plate thickness testing is also usually conducted using ultrasonic thickness testing equipment by a reputable tank inspection company. For the bottom plate thickness testing, the inspector will take readings at various places. The smallest thickness measured from the various readings				

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
determines if the plate is still usable. The minimum bottom plate thickness shall meet the following criteria: 1. 0.10 inch for tank bottom/foundation design with no means of detection and containment of a bottom leak; 2. 0.05 inch for tank bottom/foundation design with adequate leak detection and containment of a bottom leak; 3. 0.05 inch in conjunction with a reinforced tank bottom lining, greater than 0.05 inch thick.				
HAZ-3 Site/Soil Management Plan. Prior to issuance of a demolition or grading permit, the project applicant shall prepare a Site/Soil Management Plan (SMP). The SMP shall be developed for use during future grading work at the project site. The SMP shall establish guidelines to address potential areas of hazardous materials impact that could be encountered during demolition and initial grading work, including the following areas of the project site: former and existing aboveground storage tanks, pipeline corridor, scrapyard, and the construction debris trenches. The SMP shall include protocols for the characterization and handling of excavated soil. The SMP shall be prepared and submitted to the City Engineer and/or Building Official for review and approval prior to the issuance of a demolition or grading permit.	Prior to issuance of demolition or grading permits	City		
HAZ-4 Scrapyard Soil Removal. Prior to the issuance of grading permits, the construction contractor shall complete the following activities in the vicinity of the scrapyard: scarify and remove the upper 6 inches of soil near the storage shed, within the scrapyard area (approximately 0.8 acre), resulting in the removal of approximately 645 cubic yards of soil. The removed soil shall be disposed of at a non-hazardous landfill or potentially be placed in future roadways or deep fill areas. Confirmation of soil removal and disposal shall be submitted to the City Engineer and/or Building Official.	Prior to issuance of grading permit	City		
HAZ-5 Construction Debris Trenches Soil Removal. Prior to the issuance of grading permits, the construction contractor shall remove all construction debris and soil within the construction debris trenches, in compliance with the Site Management Plan identified as mitigation measure HAZ-1. The soil within the trenches shall be excavated to at least native soil. Confirmation soil sampling shall be completed on the underlying native soils to confirm that underlying soil meets residential	Prior to issuance of grading permit	City		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
screening levels. The removed soil shall be disposed of at a non-hazardous landfill or potentially be placed in future roadways or deep fill areas. Confirmation of soil removal, disposal, and sampling results shall be submitted to the City Engineer and/or Building Official.				
HAZ-6 Removal Action Workplan. Prior to the issuances of grading permits, the project applicant shall provide verification of the site investigation, under DTSC's oversight, has been completed for the project. If the site investigation reveals that site cleanup is needed after the completion of the site investigation, the project applicant shall prepare a Removal Action Workplan, under DTSC oversight. The project applicant shall complete the requirements of the Removal Action Workplan to the satisfaction of the DTSC and shall provide verification to the City that the requirements of the Removal Action Workplan have been completed to the satisfaction of the DTSC.	Prior to issuance of grading permit	City/DTSC		
HAZ-7 ACM, LBP, and PCB Investigations. Prior to implementing associated demolition operations, an evaluation of the potential occurrence of ACMs, LBP and/or PCBs shall be conducted for demolition/removal of pertinent on-site structures, including the large storage shed near the scrap yard area, one small shed (associated with a former gas plant) west of the aboveground storage tanks, and one mobile home and applicable power pole transformers. Specifically, the following investigations shall be required: With respect to ACMs, a survey shall be performed prior to demolition to determine the presence or absence of ACMs at the applicable noted on-site structures proposed for demolition/removal. Suspect materials that will be disturbed by Project activities shall be sampled and analyzed for asbestos content or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the California Labor Code, and who has taken and passed a USEPA-approved Building Inspector Course. Evidence of survey completion shall consist of a signed and stamped statement submitted to the City from the person certified to complete the facility survey, indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated ACMs are present, the statement shall describe the procedures that will be taken to remediate the hazard, including	Prior to issuance of demolition permits	City		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
applicable regulations for demolition methods and dust suppression under SCAQMD Rule 1403, and proper handling and disposal under CCR Title 22, Division 4.5. Verification that the specified procedures were followed shall be provided to the City. - With respect to LBP, a survey shall be performed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence/absence of LBP at the applicable noted on-site structures proposed for demolition/removal. Evidence of survey completion shall consist of a signed and stamped statement submitted to the City from the person certified to complete the facility survey, indicating that the survey has been completed and that either regulated LBP is present or absent. If regulated LBP is present, all demolition/ removal of lead-containing materials shall comply with applicable regulations for demolition methods and dust suppression. Lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (CCR Title 22, Division 4.5); and the State Lead Accreditation, Certification and Work Practice Requirements (CCR Title 17, Division 1, Chapter 8). Verification that the specified procedures were followed shall be provided to the City. - For PCBs, a survey shall be conducted prior to demolition to determine the presence or absence of PCBs in applicable power pole transformers and in structures proposed for demolition and removal. These surveys shall be conducted by qualified/certified personnel, such as federal and/or state-certified inspectors/assessors. Evidence of survey completion shall consist of a signed and stamped statement submitted to the City from the person certified to complete the facility survey, indicating that the survey has been completed and that either regulated PCBs are present or absent. If regulated PCBs are present, all related handling and disposal shall be conducted pursuant to applicable federal (e.g., 40 CFR Part 761), State (e.g., Title 22) and local (e.g., SBCFD) requirements. Verification that the specified procedures were followed shall be provided to the City.				
HYDROLOGY AND WATER QUALITY				

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
HYD-1 Storm Water Pollution Prevention Plan. Prior to project implementation, a project-specific SWPPP shall be prepared and implemented, in conformance with all applicable requirements of the NPDES Construction General Permit (NPDES No. CAS000002, SWRCB Order 2009-0009-DWQ; as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) and related City standards regarding the issues of erosion/sedimentation and construction-related hazardous materials. While final BMPs would be determined as part of the noted NPDES/SWPPP process based on site-specific parameters, they are likely to include standard industry measures and guidelines from sources including the City's Erosion Management and Storm Water Management Ordinances and Construction General Permit. While project-specific erosion and sedimentation BMPs would be determined during the SWPPP process based on site characteristics, they would include standard industry measures and guidelines from the City's Erosion Management and Storm Water Management Ordinances and the NPDES Construction General Permit administered by the RWQCB. Typical erosion and sediment control BMPs that may be required in the project SWPPP include: (1) seasonal grading restrictions during the rainy season; (2) preparation and implementation of a CSMP and, if applicable, a REAP to provide enhanced erosion and sediment control measures prior to predicted storm events; (3) use of erosion control/stabilizing measures such as geotextiles, mats, fiber rolls, or soil binders; (4) use of sediment controls to protect the site perimeter and prevent off site sediment transport, including measures such as inlet protection, silt fencing, fiber rolls, gravel bags, temporary sediment basins, street sweeping, stabilized construction access points and sediment stockpiles, and use of properly fitted covers for sediment transport vehicles; (5) compliance with local dust control measures; (6) appropriate BMP performance monitoring and as-needed maintenance; and (7) implementation of additional BMPs as necessary to ensure adequate erosion/sediment control and regulatory conformance. Typical BMPs associated with construction-related hazardous materials that may be required in the project SWPPP include the following: (1) minimizing and properly locating (e.g., away from drainages/storm drains) hazardous material use/storage areas; (2) providing appropriate covers/enclosures, secondary containment (e.g., berms), monitoring/maintenance, and inventory control (e.g., delivery logs/labeling) for hazardous material use/storage areas;	Prior to grading or construction activities	City		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
(3) restricting paving operations during wet weather and providing appropriate sediment control downstream of paving activities; (4) utilizing properly designed and contained washout areas for materials including concrete, drywall, and paint; (5) properly maintaining all construction equipment and vehicles, and providing appropriate containment for associated fueling and maintenance operations; (6) providing training to applicable construction employees on the proper use, handling, storage, disposal, and notification/cleanup procedures for construction-related hazardous materials; (7) storing appropriate types and quantities of containment and cleanup materials on site; (8) implementing appropriate solid waste containment, disposal, and recycling efforts; and (9) properly locating, maintaining, and containing portable wastewater facilities. While detailed BMPs would be determined as part of the NPDES/SWPPP process based on project-specific parameters, BMPs specific to demolition-related debris generation, they are likely to include the following types of standard industry measures and guidelines from sources including the City's Erosion Management and Storm Water Management Ordinances and Construction General Permit: (1) recycle appropriate (i.e., non-hazardous) construction debris for on- or off-site use whenever feasible; (2) properly contain and dispose of construction debris to avoid contact with storm water; (3) use dust-control measures such as watering to reduce particulate generation for pertinent locations/activities (e.g., concrete removal); and (4) implement appropriate erosion prevention and sediment control measures downstream of all demolition activities.				
NOISE				
NOI-1 Construction Noise Management Plan. A Construction Noise Management Plan that describes the measures included on the construction plans minimize temporary noise at nearby residences shall be prepared by the project applicant and submitted to the City for approval prior to issuance of the grading permit. At a minimum, the following measures shall be included to minimize construction noise: Construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.	Prior to grading permit and throughout construction activities	City		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
• Diesel equipment shall be operated with closed engine doors and equipped with factory recommended mufflers. • Mobile or fixed “package” equipment (e.g., generators and air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. • Electrically powered equipment shall be used instead of pneumatic or internal-combustion powered equipment, where feasible. • Unnecessary idling of internal combustion engines (e.g., in excess of 5 minutes) shall be prohibited. • Material stockpiles and mobile equipment staging, parking, and maintenance areas to be located as far as practicable from noise sensitive receptors. • The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. • The project applicant shall notify residences within 500 feet of the project’s property line in writing within one week of any construction activity requiring the use of heavy construction equipment. The notification shall describe the activities anticipated, provide dates and hours, and provide contact information with a description of a complaint and response procedure. • The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process for the affected resident shall be established prior to construction commencement to allow for resolution of noise problems that cannot be immediately solved by the site supervisor.				
NOI-2 Acoustic Barriers. Acoustic barriers shall be constructed along the exterior lot lines with direct line of sight to SR-71 for lots 32 through 36, lot 41, and lots 108 through 129, as numbered on the proposed project tentative map 20317. Walls shall extend a minimum of 6 feet above the lot’s finished grade level and shall be constructed of solid material having a minimum STC rating of 46. The walls shall be constructed with no holes or gaps, including between the wall and the ground.	Prior to occupancy	City		

Mitigation Measure	Monitoring/ Mitigation Timing	Responsible for Monitoring	Verification of Compliance	
			Initials	Date
NOI-3 Building Wall and Window Acoustic Standards. Residential building exterior walls with direct line of sight to SR-71 constructed on lots 32 through 36, lot 41, and lots 108 through 129, as numbered on the proposed project tentative map 20317, shall incorporate the following standards to reduce interior noise levels to 45 CNEL or less: - Exterior walls shall have a minimum rating of STC 46. A common construction meeting this requirement would be standard 0.875-inch stucco over 0.5-inch shearwall on 2-inch by 6 inch studs with 0.625-inch Type “X” Drywall. - Exterior windows shall have a minimum rating of STC 28. A common window meeting this standard would be a dual glazing window with 0.125-inch glass thickness and a 0.5-inch gap between panes. - The building design shall include a mechanical ventilation system that meets the criteria of the International Building Code (Chapter 12, §1203.2 of the California Building Code) to ensure that windows would be able to remain permanently closed for noise reduction.	Prior to occupancy	City		
WILDFIRE				
WLF-1 Structure Protection for All Structures. All structures within the proposed development shall be constructed per the 2019 California Residential Code Section R337 and shall be protected with National Fire Protection Association (NFPA) 13-D automatic fire sprinklers, including attic areas protection in lieu of meeting the City’s requirement for 30-foot separation from structure to structure. The proposed structures shall be separated by a minimum of 20 feet. For residential structures on lots 115 and 135, NFPA-13D automatic fire protection sprinklers would be required for attic areas and small space protection.	Prior to issuance of building permits This mitigation measure shall be included in construction documents for implementation during construction	City		