

APPENDIX A

Notice of Preparation and Comment Letters

CLERK OF THE
BOARD OF SUPERVISORS
2018 DEC -5 PM 12: 07
COUNTY OF SAN BERNARDINO
CALIFORNIA

City of Rancho Cucamonga
Revised and Reissued Notice of Preparation
Draft Environmental Impact Report

**Etiwanda Heights Neighborhood & Conservation Plan Project
(Formerly the North Eastern Sphere Annexation Project)**

The City of Rancho Cucamonga (City) will be the Lead Agency and will prepare an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA) for the Etiwanda Heights Neighborhood and Conservation Plan Project (EHNCP or Project) as described below. The EHNCP is the evolution of the North Eastern Sphere Annexation Project as originally described in a Notice of Preparation (NOP) distributed by the City in September 2017 and reissued in December 2017. Thereafter, the City hosted community meetings to invite public input on preliminary concepts for this planning area. Based on the feedback received through these meetings, the City conducted additional community outreach to better understand the priorities of the Rancho Cucamonga community and develop an updated conceptual plan.

This NOP was prepared to (1) notify the public that the City will prepare a Draft EIR to further assess potential adverse environmental impacts that may result from implementing the proposed Project; and (2) solicit information on the scope of the environmental analysis for the proposed Project. The City, as the lead agency, is seeking the views of responsible and trustee agencies and interested parties on the scope and content of the analysis of the potential environmental effects of the Project and reasonable alternatives and mitigation measures to be explored in the Draft EIR.

Date: December 4, 2018
Project Title: Etiwanda Heights Neighborhood and Conservation Plan Project
Lead Agency: City of Rancho Cucamonga
Planning Department
10500 Civic Center Drive
Rancho Cucamonga, CA 91730
SCH No.: 2017091027
Project Applicant: City of Rancho Cucamonga
Public Review Period: December 4, 2018, to January 21, 2019, at 5:00 P.M.

CLERK OF THE BOARD

Received on: 12/05/18

Remove on: 01/17/19

The City has issued this NOP for public review and comment pursuant to CEQA Guidelines Sections 15082(a) and 15375. Section 15082(b) requires responses to be provided within 30 days of receipt of a NOP, however, the City is extending the response period for this NOP to 49 days (from December 4, 2018 to January 21, 2019) to provide adequate time for review and comment over the end-of-the-year period that includes several

Project Location and Setting

The EHNCP area (Project site) is located along the northeastern edge of the City at the base of the San Gabriel Mountains. The site is located west of Interstate 15 (I-15), north of Interstate 210 (I-210), south of the San Gabriel Mountains, and north of existing residential neighborhoods in the City of Rancho Cucamonga (see **Figure 1: Project Location**). As shown in **Figure 2: City Boundaries and Sphere of Influence**, the western edge and southeast corner of the Project site are currently within the City and the remainder consists of unincorporated area in the County of San Bernardino (County) within the City's Sphere of Influence (SOI).

The EHNCP area includes the 4,388 acres shown in **Figure 3: Planning Areas**. For purposes of long-term planning for this area, the City identifies the northern 3,176 acres as the Conservation Priority Area and the lower 1,212 acres as the Neighborhood Priority Area. The Conservation Priority Area includes public and private land. The Neighborhood Priority Area includes land owned by the San Bernardino County Flood Control District no longer needed for flood control purposes.

As shown in **Figure 4: Site Features**, the Conservation Priority Area includes the majority of the existing North Etiwanda Preserve (Preserve). To the east of the Preserve is some existing rural residential development and the Limei Fang-Ling Yen Mountain Temple. The debris basins for Day and Deer Creeks are located west of the Preserve and discharge into the improved channels for both creeks that border the eastern and western edges of the Neighborhood Priority Area, respectively. Utility corridors containing electric transmission lines border the southern edge of the Conservation Priority Area and the eastern edge of the Neighborhood Priority Area.

The Neighborhood Priority Area also contains the Day Creek Levee, Deer/Day Separation Levee, Day and Deer Creek Flood Control Channels, and a closed Sand and Gravel Mine. Portions of the Neighborhood Priority Area are currently within the City's Etiwanda North Specific Plan area. The Neighborhood Priority Area is surrounded on the east, south, and west by existing single family neighborhoods in the City. The Day Creek neighborhood borders the project area to the east; the Caryn neighborhood borders the project area to the south; and the Deer Creek and Haven View Estates neighborhoods borders the project area to the west. Los Osos High School borders the Neighborhood Priority area to the south.

Project Description

Background: In 2007, San Bernardino County informed the City of the County's intent to sell up to 1,070 acres of the 1,212 acres of surplus property that previously had been needed for flood control purposes. The County initiated a process in 2008 to find a development partner to plan, sell, and develop its land, but these discussions ceased during the Great Recession. This land is currently regulated by the County's zoning, which would allow residential and commercial development under the County's standards. City leadership recognized that development on the County's land would occur in the future and wanted to be prepared for the eventual sale of this surplus property by the County. Therefore, the City of Rancho Cucamonga initiated long-range planning efforts for the 4,388-acre area within the northern portion of the City's Sphere of Influence in 2015.

Between the summer of 2015 and the fall of 2017, the City developed an initial plan for the North Eastern Sphere Annexation Proposal (NESAP) for this 4,388-acre area. This initial plan included maintaining the

Objectives: Based on extensive community input, the City has identified the following primary objectives for the EHNCP: (1) Conserving the natural resources and open space character of this unique foothill area; (2) Establishing local control by annexing this area to the City and developing and adopting a community-based, economically feasible plan; (3) Providing a range of open space and park areas offering a range of recreation opportunities; (4) Allowing the development of high-quality, single-family neighborhoods in the Neighborhood Priority Area that are compatible in character with the existing surrounding neighborhoods; (5) Improving access by extending Wilson Avenue, Rochester Avenue, and Milliken Avenue into the Neighborhood Priority Area and providing a network of walkable and bikeable streets; and (6) Providing a limited amount of small-scale neighborhood shops and restaurants to meet the daily needs of residents in the existing and future foothill neighborhoods.

Project Characteristics: The EHNCP Conceptual Plan is shown in **Figure 5: Conceptual Plan**. The upper 380 acres of the 1,212-acre Neighborhood Priority Area would remain as open space, with other open space, parks, and new neighborhoods planned in the lower portion of this area. Overall, approximately 450 acres of the Neighborhood Priority Area would remain as open space or contain parks and other open space areas. As shown in **Figure 5**, the extension of Wilson Avenue through the Neighborhood Priority Area is proposed, along with the extension of Rochester Avenue connecting to Wilson Avenue.

Locations are identified for a new 600–student, K–8 school on approximately 12 acres north of Wilson Avenue, and for neighborhood shops and restaurants around the intersection of Wilson and Rochester Avenues. Other civic uses will be provided within the new neighborhoods and could include a branch library, community center, nature/interpretive center, and/or other neighborhood-serving uses. A network of parks and open space areas linked by pedestrian/equestrian trails and neighborhood streets would be provided in the Neighborhood Priority Area. These pedestrian/equestrian trails would connect to existing trails in the upper portion of the Neighborhood Priority Area and the Conservation Priority Area. The EHNCP would maintain the City’s existing Equestrian/Rural Overlay District over the plan area. Limited low-density rural residential development would be allowed in the Conservation Priority Area, where the priority of the EHNCP is preserving the natural open space character of this foothill area.

The EHNCP Project will include the establishment of a habitat conservation program or similar mechanism for all conservation and mitigation lands within the EHNCP Area.

For purposes of environmental review, a total of 3,000 residential units—of which 2,900 will be in the new neighborhoods in the Neighborhood Priority Area, with up to an additional 100 units in the Conservation Priority Area—will all be evaluated in the EIR along with up to 180,000 square feet of neighborhood shops and restaurants and other civic uses described above.

Probable Environmental Effects: Based on a preliminary review of the EHNCP Project, as defined in Section 15060(d) of the CEQA Guidelines, studies of the Project site, and the responses the City received to the September and December 2017 NOPs issued by the City for the North Eastern Sphere Annexation Project, the City has determined the proposed Project may have a significant effect on the environment and will prepare an EIR evaluating the following topics, including potential construction, operational, and cumulative impacts:

- **Aesthetics** – The changes to the visual character of the Project site and surrounding area, the effects of the Project on available scenic vistas, ambient nighttime light levels, and the creation of new sources of daytime or nighttime glare will be evaluated. Based on the characteristics, including height, of the residential, neighborhood shops and restaurants, and civic uses proposed, potential changes in shade and shadow patterns are not anticipated to result in substantial impacts. No further analysis of this topic is proposed.
- **Agriculture and Forestry Resources** – The potential effects of the Project on the San Bernardino National Forest, located north of the Project site, will be evaluated.
- **Air Quality** – The impact of air quality emissions from construction of the Project and occupancy and operation of the new uses that would be allowed by the proposed EHNCP Specific Plan will be evaluated in accordance with the guidance provided by the South Coast Air Quality Management District (SCAQMD).
- **Biological Resources** – Biological surveys were conducted from 2015 to 2017 to identify and document existing conditions within the Project site. The potential direct and indirect effects of the proposed Project on biological resources within and near the Project site will be evaluated.
- **Cultural Resources** – Cultural resource surveys were conducted from 2015 to 2018 to identify and document existing conditions within the Project site. The potential direct and indirect effects of the proposed Project on cultural resources within and near the Project site will be evaluated.
- **Geology and Soils** – The potential for effects related to the existing geologic and soils conditions with the Project Site, including the potential effect of seismic events on the Red Hill and Rancho Cucamonga Faults, will be evaluated.
- **Greenhouse Gases** – The potential effects of greenhouse gas emissions from construction of the Project and occupancy and operation the new uses and the consistency of the Project with applicable local, regional, and state policies to reduce greenhouse gas emissions will be evaluated.
- **Hazards and Hazardous Materials** – The potential for the presence of hazardous materials on the Project site from historic uses to affect the proposed uses will be evaluated.
- **Hydrology and Water Quality** – Changes to existing drainage patterns and water quality will be evaluated based on a hydrology study of the Project site and the proposed Project.
- **Land Use and Planning** – The consistency of the Project with applicable local and regional land use plans and policies will be evaluated.
- **Mineral Resources** – The Project site contains areas designated as Mineral Resource Zone (MRZ) 2 by the State Geologist, indicating the presence of significant mineral deposits. Specifically, the alluvial fans associated with Day and Deer Creeks contain sand and aggregate resources. As discussed above, a closed sand and gravel mine is located in the Neighborhood Priority Area. The potential effects of the Project on access

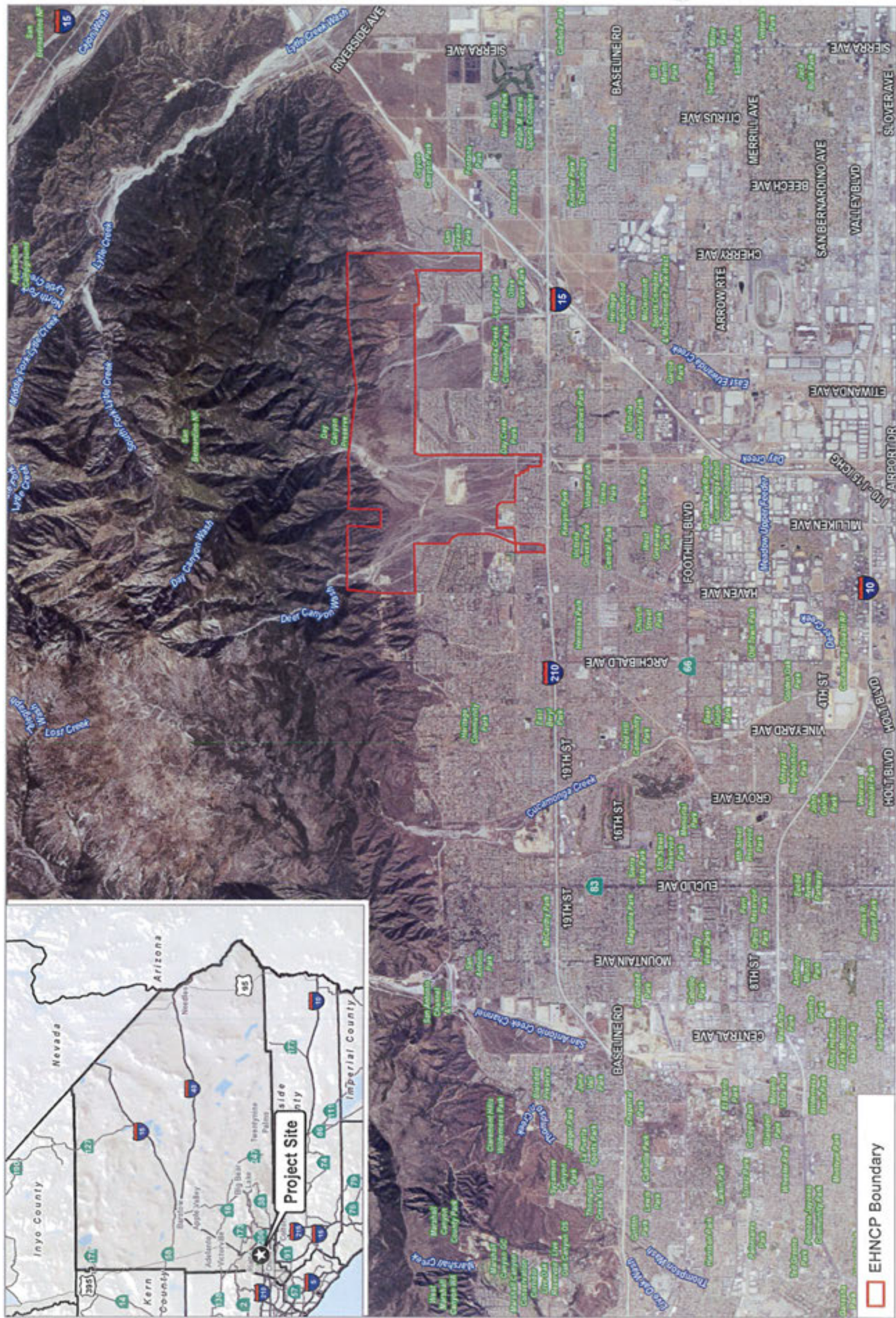
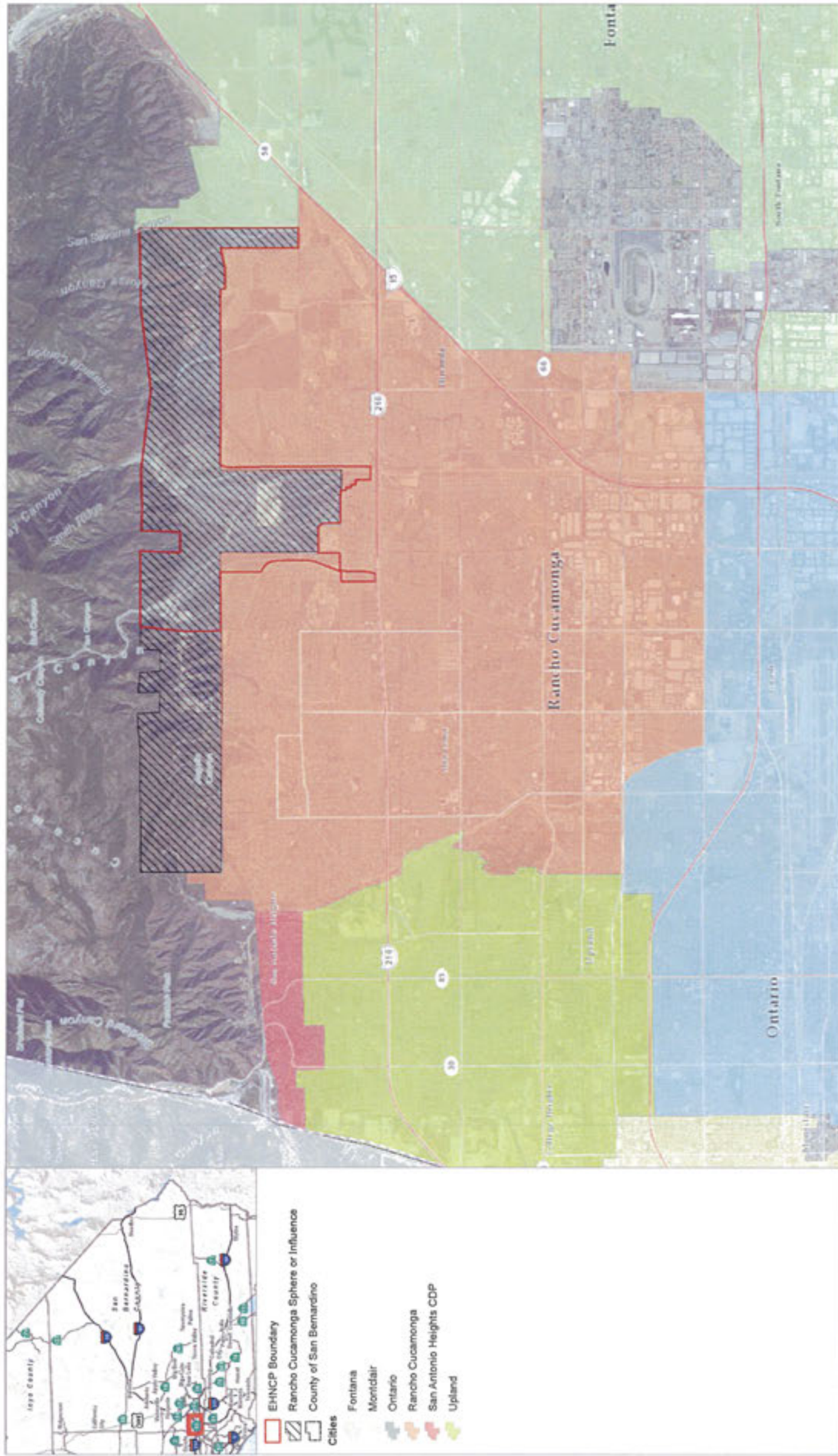


FIGURE 1
Project Location
 Etiwanda Heights Neighborhood and Conservation Plan (EHNCP)



SOURCE: Sargent Town Planning, 2017; San Bernardino County, 2016; ESRI, 2017; NAIP, 2016



City of Rancho Cucamonga, CA

FIGURE 2
City Boundaries and Sphere of Influence
 Etiwanda Heights Neighborhood and Conservation Plan (EHNCP)

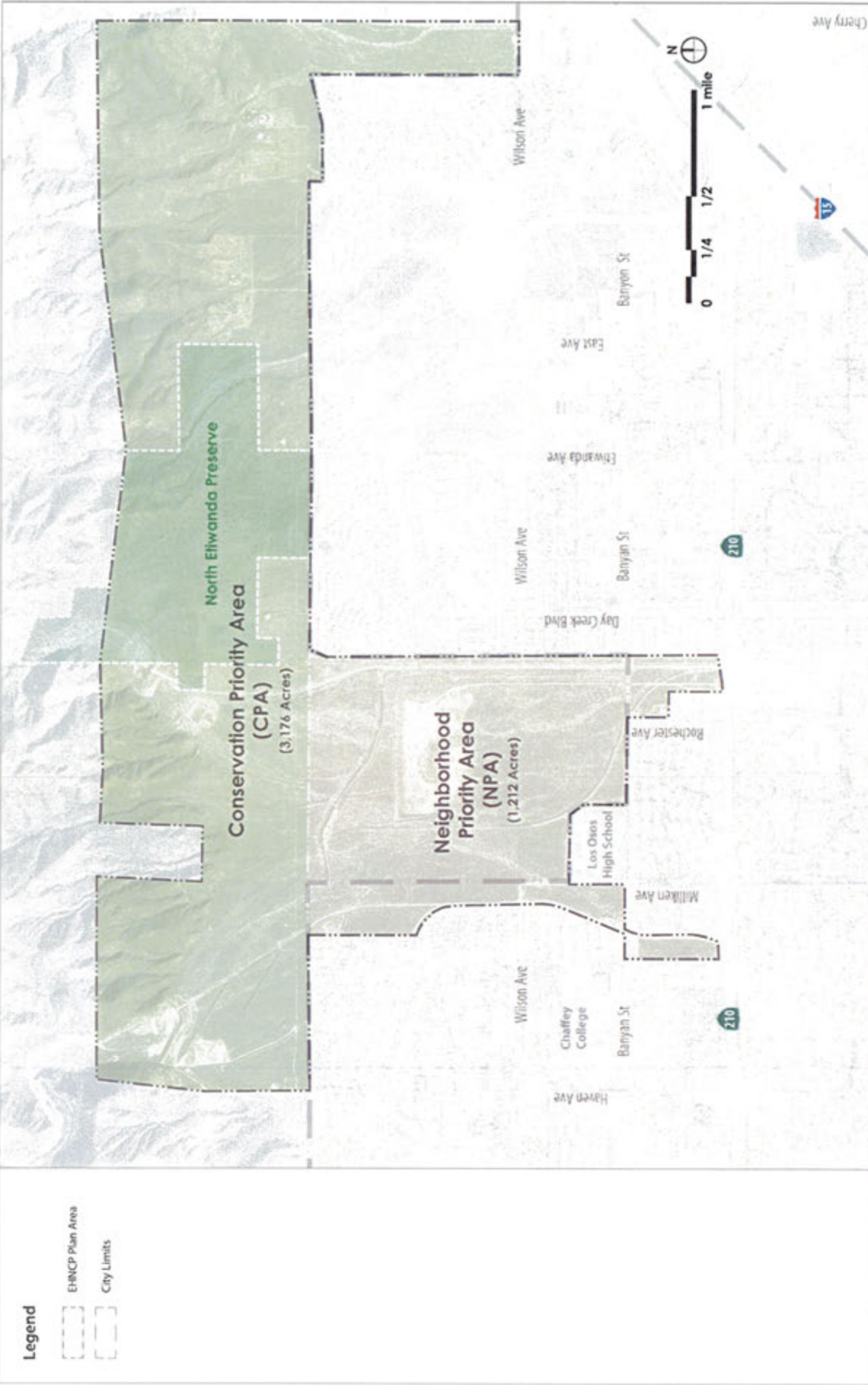


FIGURE 3
Planning Areas
Etiwanda Heights Neighborhood and Conservation Plan (EHNCP)

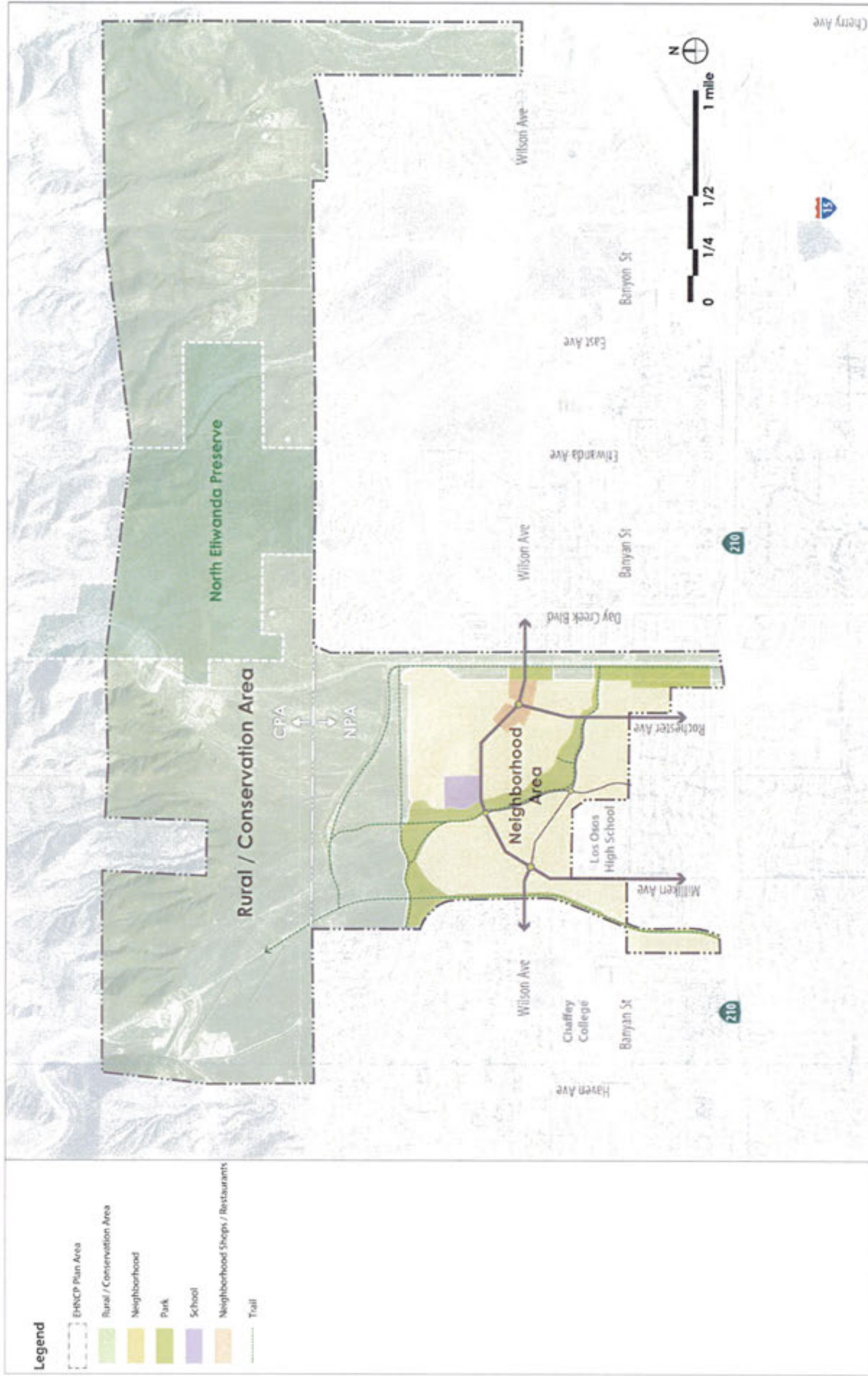


FIGURE 5
Conceptual Plan
 Etiwanda Heights Neighborhood and Conservation Plan (EHNCP)

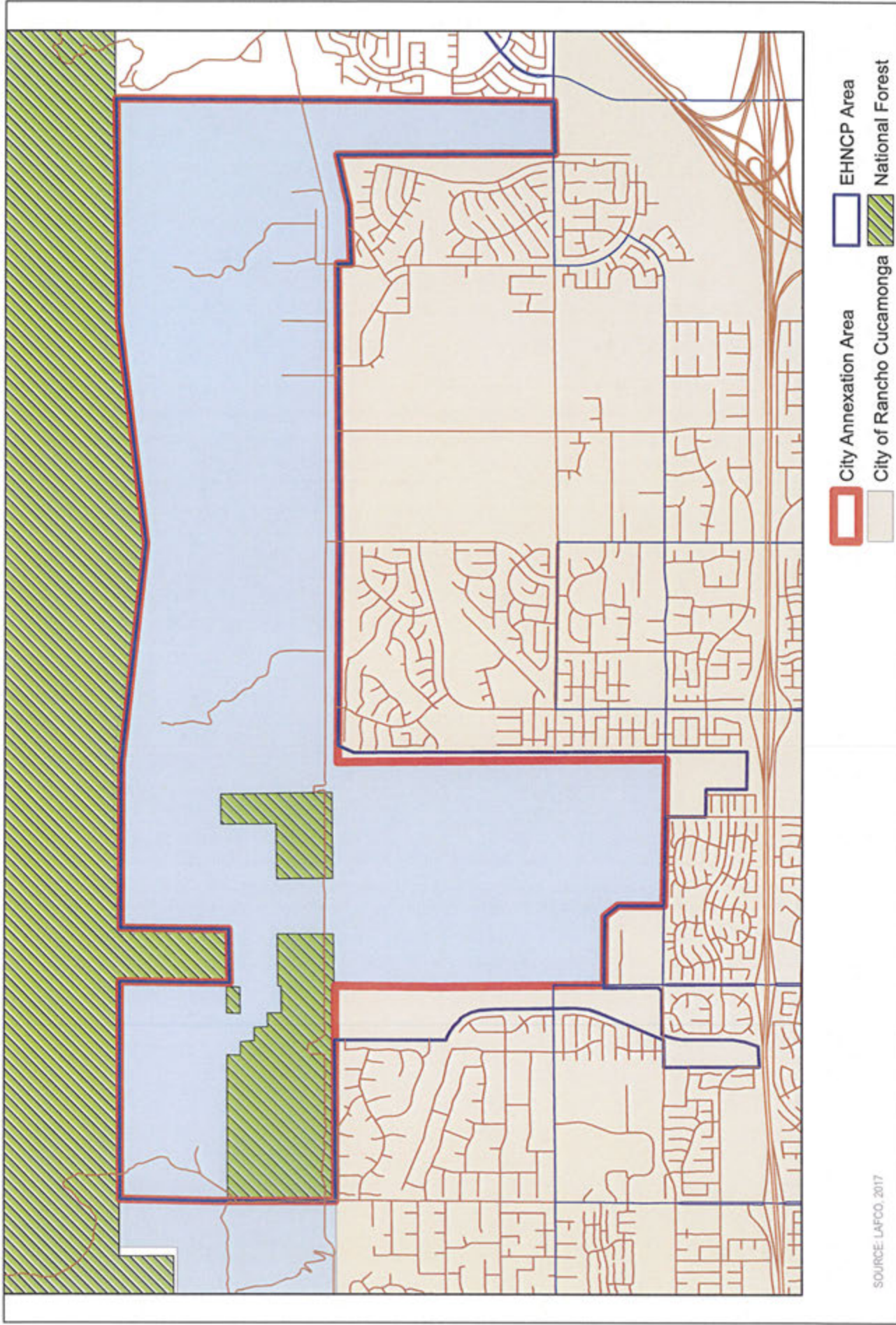


FIGURE 6
City of Rancho Cucamonga Annexation Boundary
 Etiwanda Heights Neighborhood and Conservation Plan (EHNCP)

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Tuesday, September 12, 2017 10:44 AM
To: Schrader, Lois; Ruta Thomas
Subject: FW: Environmental Impact Report

FYI

From: Davidson, Melissa M [<mailto:MDavidson@mw2h2o.com>]
Sent: Tuesday, September 12, 2017 10:29 AM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: Environmental Impact Report

Hello,

I'm sending this on behalf of Terri Slifko, the Chemistry Unit Section Manager at Metropolitan Water District. She stated that she receives reports from your team addressed to Marshall Davis. He no longer works at MWD, and hasn't for a while. If this is a property concern please address all future correspondence to our Real Property Department. I will forward your most recent correspondence to them.

Real Property Department
PO Box 54153
Los Angeles, CA 90054

Thank you,

Melissa Davidson

Metropolitan Water District of Southern California
Business Support Team- Administrative Assistant I
Water Quality Laboratory
Phone: (909) 392-5375

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

City of Rancho Cucamonga
Community Development Department
Planning Department
10500 Civic Center Dr.
Rancho Cucamonga, CA 91730

September 12, 2017

Re: AB52 Consultation request for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan

Dear Tom Grahn,

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a "no records found" for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. This is the reason the NAHC will always refer the lead agency to the respective Native American Tribe of the area because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. Therefore, to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email gabrielenoindians@yahoo.com to schedule an appointment.

** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman

Albert Perez, treasurer |

PO Box 393, Covina, CA 91723

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer ||

www.gabrielenoindians.org

Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the Council of Elders

gabrielenoindians@yahoo.com

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Friday, September 15, 2017 9:17 AM
To: Ruta Thomas
Subject: Fwd: Environmental Impact Report

Do you know if this contact was from the City's agency list or the NOC list?

Sent from my iPhone

Begin forwarded message:

From: "Thunen, Emily@CDPR" <Emily.Thunen@cdpr.ca.gov>
Date: September 15, 2017 at 8:30:31 AM PDT
To: "tom.grahn@cityofrc.us" <tom.grahn@cityofrc.us>
Subject: Environmental Impact Report

Hi Tom,

I work for the Department of Pesticide Regulation up in Sacramento. We received a Draft Environmental Impact Report for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan yesterday via Fed Ex Priority Overnight. It was shipped to a very old address (we moved about 17 years ago) but made its way to our building. Your name and contact information was on the document, do you know who in our department you were sending this to? The envelope did not have any other information except for a reference, 9020-4 Thomas.

Emily Thunen

Administrative Assistant

Human Health Assessment Branch

Department of Pesticide Regulation, California EPA

1001 I Street, P.O. Box 4015

Sacramento, CA 95812-4015

T 916-445-4233

F 916-324-3506

Emily.Thunen@cdpr.ca.gov

www.cdpr.ca.gov

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

464 WEST 4th STREET, 6th FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 388-7017

FAX (909) 383-5936

TTY 711

www.dot.ca.gov/dist8

*Making Conservation
a California Way of Life.*

CITY OF RANCHO CUCAMONGA

SEP 18 2017

September 12, 2017

RECEIVED - PLANNING File: 08-SBd-210-PM 8.321

Tom Grahm
Associate Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Subject: Rancho Cucamonga North Eastern Sphere Annexation Specific Plan – Notice of Preparation for a Draft Environmental Impact Report

Dear Mr. Grahm:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Notice of Preparation for Draft Environmental Impact Report (DEIR) for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan (Project), located west of Interstate 15, north of Interstate 210 and south of the San Gabriel Mountains in the City of Rancho Cucamonga. The project consists annexations of approximately 4,088 acres of mostly undeveloped land under the jurisdiction of the County of San Bernardino into the City, development of approximately 3,800 residential units in a mixture of attached and detached forms, 280,000 square feet of non-residential space, 20 to 25 acres of public open space; and the development of a 16-acre elementary school site.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act, it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Rancho Cucamonga, due to the project's potential impact to the State facilities, it is also subject to the policies and regulations that govern the SHS.

In the preceding DEIR, we recommend a Traffic Impact Analysis (TIA) to accurately evaluate the extent of potential impacts of the project to the operational characteristics of the existing State facilities by the project area. Additionally, we recommend the TIA be submitted prior to the circulation of the DEIR to ensure timely review of the submitted materials and a preliminary scoping meeting to discuss any potential issues. We offer the following comments:

Mr. Grahm
September 12, 2017
Page 2

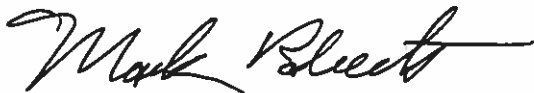
1) **Submit three hard copies of all TIA documents and three electronic files for review.**

All State facilities within 5-mile radius of the Project should be analyzed in the TIA. The data used in the TIA should not be more than 2 years old, and shall be based on the Southern California Association of Governments 2012 or 2016 Regional Transportation Plan Model. Use the Highway Capacity Manual 6 methodology for all traffic analyses. (See *Caltrans Guide for the Preparation of Traffic Impact Studies* at http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

Caltrans is committed to providing a safe transportation system for all users. We encourage the City to embark a safe, sustainable, integrated and efficient transportation system and complete street to enhance California's economy and livability. A pedestrian/bike-friendly environment served by multimodal transportation would reduce traffic congestion prevalent in the surrounding areas. (See *Complete Street Implementation Action Plan 2.0* at http://www.dot.ca.gov/hq/tpp/offices/ocp/docs/CSIAP2_rpt.pdf).

These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this project is later modified in any way, please forward copies of revised plans as necessary so that we may evaluate all proposed changes for potential impacts to the SHS. If you have any questions regarding this letter, please contact Jacob Mathew (909) 806-3928 or myself at (909) 383-4557.

Sincerely,



MARK ROBERTS
Office Chief
Intergovernmental Review, Community and Regional Planning



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

Notice of Preparation

September 11, 2017

To: Reviewing Agencies

Re: Rancho Cucamonga North Eastern Sphere Annexation Specific Plan
SCH# 2017091027

Attached for your review and comment is the Notice of Preparation (NOP) for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan draft Environmental Impact Report (EIR).

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

Please direct your comments to:

**Tom Grahn
City of Rancho Cucamonga
10500 Civic Center Dr.
Rancho Cucamonga, CA 91730**

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

CITY OF RANCHO CUCAMONGA

SEP 18 2017

RECEIVED - PLANNING

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017091027
Project Title Rancho Cucamonga North Eastern Sphere Annexation Specific Plan
Lead Agency Rancho Cucamonga, City of

Type NOP Notice of Preparation

Description The key components of the proposed project include the following:
Pre-zoning and annexation of approx. 4,088 acres of mostly undeveloped land under the jurisdiction of the County of San Bernardino into the City, subject to review and approval by the Local Agency Formation Commission (LAFCO) for San Bernardino County;
Establishment of a conservation program for approx. 3,664 acres of natural foothill habitat under the jurisdiction of the City;
Adoption of the North Eastern Sphere Annexation Specific Plan to guide conservation and development in the project area in order to provide for sustainable human habitat while preserving, restoring, and conserving a high quality natural habitat;
Development of approx. 579 acres of land within the Development Priority Area in order to generate financial resources to fund the conservation and restoration of the Conservation Priority Area. Within the 579 acres, the proposed Specific Plan allows for the development of approx. 3,800 residential units in a mixture of attached and detached forms; 280,000 sq. ft. of non-residential space; 20 to 25 acres of public open space; and designation of a 16-acre elementary school site.
Adoption of a General Plan update for the Specific Plan Area;
Adoption of a tentative tract map to implement the North Eastern Sphere Annexation Specific Plan and define the areas and boundaries of development, conservation, and other uses within the 1,212 acres Development Priority Area;
Removal of a small portion of the westerly end of the day Creek levee within the Development Priority Area. All proposed modifications to existing flood control facilities will be conducted in partnership with the San Bernardino Flood Control District; and
Removal of the Proposed Project from the Etiwanda North Specific Plan.

**Document Details Report
State Clearinghouse Data Base**

Lead Agency Contact

Name Tom Grahn
Agency City of Rancho Cucamonga
Phone 909-774-4312 **Fax**
email
Address 10500 Civic Center Dr.

City Rancho Cucamonga **State** CA **Zip** 91730

Project Location

County San Bernardino
City Rancho Cucamonga
Region
Cross Streets Banyan Street & Milliken Ave.
Lat / Long 34° 09' 35.99" N / 117° 32' 59.59" W
Parcel No. numerous

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways I-210
Airports
Railways
Waterways various
Schools various
Land Use Open Space - Flood Control, Utility Corridor, Open Space, Conservation, Hillside Residential;
Residential - Low Medium; Special

Project Issues

Reviewing Agencies Resources Agency; Department of Conservation; Cal Fire; Department of Parks and Recreation;
Department of Water Resources; Department of Fish and Wildlife, Region 6; Office of Emergency
Services, California; Department of Housing and Community Development; Native American Heritage
Commission; Public Utilities Commission; California Highway Patrol; Caltrans, District 8; Regional
Water Quality Control Board, Region 8

Date Received 09/11/2017 **Start of Review** 09/11/2017 **End of Review** 10/10/2017

Notice of Completion & Environmental Document Transmittal**2017091027**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Rancho Cucamonga North Eastern Sphere Annexation Specific Plan**Lead Agency:** City of Rancho Cucamonga**Contact Person:** Tom Grahn**Mailing Address:** 10500 Civic Center Drive**Phone:** 909.774.4312**City:** Rancho Cucamonga, California**Zip:** 91730**County:** San Bernardino**Project Location:** County: San Bernardino CountyCity/Nearest Community: City of Rancho Cucamonga**Cross Streets:** Banyan Street & Milliken Avenue**Zip Code:** 91730**Longitude/Latitude (degrees, minutes and seconds):** 34 ° 09 ' 35.99" N / 117 ° 32 ' 59.59" W **Total Acres:** 4,088 acres**Assessor's Parcel No.:** numerous**Section:** _____**Twp.:** _____**Range:** _____**Base:** _____**Within 2 Miles:** State Hwy #: Interstate 210**Waterways:** multiple**Airports:** _____**Railways:** _____**Schools:** multiple**Document Type:**

- CEQA: ☒ NOP
☐ Early Cons
☐ Neg Dec
☐ Mit Neg Dec

- ☐ Draft EIR
☐ Supplement/Subsequent EIR
(Prior SCH No.) _____
Other: _____

- ☐ NOI
☐ EA
☐ Draft EIS
☐ FONSI

- Other: ☐ Joint Document
☐ Final Document
☐ Other: _____

Local Action Type:

- ☒ General Plan Update
☐ General Plan Amendment
☐ General Plan Element
☐ Community Plan
- ☒ Specific Plan
☐ Master Plan
☐ Planned Unit Development
☐ Site Plan
- ☐ Rezone
☒ Prezone
☐ Use Permit
☐ Land Division (Subdivision, etc.)
- ☒ Annexation
☐ Redevelopment
☐ Coastal Permit
☐ Other: _____

Development Type:

- ☒ Residential: Units 3,800 Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
- ☒ Commercial: Sq.ft. 280,000 Acres _____ Employees _____
- ☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
- ☒ Educational: elementary school
- ☒ Recreational: open space
- ☐ Water Facilities: Type _____ MGD _____
- ☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document:

- ☐ Aesthetic/Visual
☐ Agricultural Land
☐ Air Quality
☐ Archeological/Historical
☐ Biological Resources
☐ Coastal Zone
☐ Drainage/Absorption
☐ Economic/Jobs
- ☐ Fiscal
☐ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☐ Geologic/Seismic
☐ Minerals
☐ Noise
☐ Population/Housing Balance
☐ Public Services/Facilities
- ☐ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☐ Soil Erosion/Compaction/Grading
☐ Solid Waste
☐ Toxic/Hazardous
☐ Traffic/Circulation
- ☐ Vegetation
☐ Water Quality
☐ Water Supply/Groundwater
☐ Wetland/Riparian
☐ Growth Inducement
☐ Land Use
☐ Cumulative Effects
☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

Open Space - Flood Control, Utility Corridor, Open Space, Conservation, Hillside Residential; Residential-Low Medium; Special

Project Description: (please use a separate page if necessary)

Please see the attached page.

NOP Distribution List

County: San Bernardino

SCH#

2017091027

Resources Agency

- ☒ Resources Agency
Nadell Gayou
- ☐ Dept. of Boating & Waterways
Denise Peterson
- ☐ California Coastal Commission
Allyson Hitt
- ☐ Colorado River Board
Lisa Johansen
- ☒ Dept. of Conservation
Grina Chan
- ☒ Cal Fire
Dan Foster
- ☐ Central Valley Flood Protection Board
James Herota
- ☐ Office of Historic Preservation
Ron Parsons
- ☒ Dept of Parks & Recreation
Environmental Stewardship Section
- ☐ S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck
- ☒ Dept. of Water Resources
Nadell Gayou

Fish and Game

- ☐ Depart. of Fish & Wildlife
Scott Flint
- ☐ Environmental Services Division
- ☐ Fish & Wildlife Region 1
Jacobson
- ☐ Fish & Wildlife Region 1E
Berger
- ☐ Fish & Wildlife Region 2
- ☐ Fish & Wildlife Region 3

Independent Commissions/Boards

- ☐ Delta Protection Commission
Erik Vink
- ☐ Delta Stewardship Council
Kevan Samsam
- ☐ California Energy Commission
Eric Knight

- ☐ Fish & Wildlife Region 4
Julie Vance
- ☐ Fish & Wildlife Region 5
Leslie Newton-Reed
- ☒ Fish & Wildlife Region 6
Tiffany Ellis
- ☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
- ☐ Dept. of Fish & Wildlife M
William Paznokas

Other Departments

- ☐ California Department of Education
Lesley Taylor
- ☒ OES (Office of Emergency Services)
Monique Wilber
- ☐ Food & Agriculture
Sandra Schubert
- ☐ Dept. of Food and Agriculture
- ☐ Dept. of General Services
Cathy Buck
- ☒ Housing & Comm. Dev.
CEQA Coordinator

- ☒ Native American Heritage Comm.
Debbie Treadway
- ☒ Public Utilities Commission
Supervisor
- ☐ Santa Monica Bay Restoration
Guangyu Wang
- ☐ State Lands Commission
Jennifer Deleong
- ☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Cal State Transportation Agency CalSTA

- ☐ Caltrans - Division of Aeronautics
Philip Crimmins
- ☐ Caltrans - Planning
HQ LD-IGR
- ☒ California Highway Patrol
Suzann Ikeuchi
- ☐ Office of Special Projects

Dept. of Transportation

- ☐ Caltrans, District 1
Rex Jackman
- ☐ Caltrans, District 2
Marcelino Gonzalez
- ☐ Caltrans, District 3
Eric Federicks - South
- ☐ Caltrans, District 4
Patricia Maurice
- ☐ Caltrans, District 5
Larry Newland
- ☐ Caltrans, District 6
Michael Navarro
- ☐ Caltrans, District 7
Dianna Watson
- ☒ Caltrans, District 8
Mark Roberts

- ☐ Caltrans, District 9
Gayle Rosander
- ☐ Caltrans, District 10
Tom Dumas
- ☐ Caltrans, District 11
Jacob Armstrong
- ☐ Caltrans, District 12
Maureen El Harake
- ☐ Air Resources Board
- ☐ Airport & Freight
Jack Wursten
- ☐ Transportation Projects
Nesamani Kalandiyur
- ☐ Industrial/Energy Projects
Mike Tollstrup
- ☐ California Department of Resources, Recycling & Recovery
Sue O'Leary
- ☐ State Water Resources Control Board
- ☐ Regional Programs Unit
Division of Financial Assistance
- ☐ State Water Resources Control Board
Cindy Forbes - Asst Deputy
- ☐ State Water Resources Control Board
Division of Drinking Water
- ☐ State Water Resources Control Board
Div. Drinking Water # _____
- ☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
- ☐ State Water Resources Control Board
Division of Water Quality
- ☐ State Water Resources Control Board
Phil Crader
- ☐ Division of Water Rights
- ☐ Dept. of Toxic Substances Control
- ☐ CEQA Tracking Center
- ☐ Department of Pesticide Regulation
- ☐ CEQA Coordinator

Cal EPA

- ☐ Air Resources Board
- ☐ Airport & Freight
Jack Wursten
- ☐ Transportation Projects
Nesamani Kalandiyur
- ☐ Industrial/Energy Projects
Mike Tollstrup
- ☐ California Department of Resources, Recycling & Recovery
Sue O'Leary
- ☐ State Water Resources Control Board
- ☐ Regional Programs Unit
Division of Financial Assistance
- ☐ State Water Resources Control Board
Cindy Forbes - Asst Deputy
- ☐ State Water Resources Control Board
Division of Drinking Water
- ☐ State Water Resources Control Board
Div. Drinking Water # _____
- ☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
- ☐ State Water Resources Control Board
Division of Water Quality
- ☐ State Water Resources Control Board
Phil Crader
- ☐ Division of Water Rights
- ☐ Dept. of Toxic Substances Control
- ☐ CEQA Tracking Center
- ☐ Department of Pesticide Regulation
- ☐ CEQA Coordinator

- ☐ Regional Water Quality Control Board (RWQCB)
- ☐ RWQCB 1
Cathleen Hudson
- ☐ RWQCB 2
Environmental Document Coordinator
- ☐ RWQCB 3
Central Coast Region (3)
- ☐ RWQCB 4
Teresa Rodgers
- ☐ RWQCB 5S
Central Valley Region (5)
- ☒ RWQCB 5F
Central Valley Region (5)
- ☐ RWQCB 6
Lahontan Region (6)
- ☐ RWQCB 6V
Lahontan Region (6)
- ☐ RWQCB 7
Colorado River Basin Region (7)
- ☒ RWQCB 8
Santa Ana Region (8)
- ☐ RWQCB 9
San Diego Region (9)
- ☐ Other _____

San Gabriel & Water LA Conservancy

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710



September 14, 2017

Tom Grahm
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Sent via e-mail: tom.grahn@cityofrc.us

RE: SCH# 2017091027; Rancho Cucamonga North Eastern Sphere Annexation Specific Plan Project, City of Rancho Cucamonga; San Bernardino County, California

Dear Mr. Grahm:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

CITY OF RANCHO CUCAMONGA

SEP 21 2017

RECEIVED - PLANNING

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. **Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. **Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. **Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. **Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. **Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. **Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. **Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. **Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. **Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. **Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse



South Coast Air Quality Management District

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

SENT VIA USPS AND E-MAIL:

October 4, 2017

tom.grahn@cityofrc.us

Tom Grahn, Associate Planner

City of Rancho Cucamonga – Community Development Department

Planning Department

10500 Civic Center Drive

Rancho Cucamonga, CA 91730

Notice of Preparation of a Draft Environmental Impact Report for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include emission calculation spreadsheets and modeling input and output files (not PDF files)¹. Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD staff recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analyses. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP), which was later approved by the California Air Resources Board of Directors on March

¹ Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

23rd. The 2016 AQMP² is a regional blueprint for achieving air quality standards and healthful air in the South Coast Air Basin. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and lays out the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment. The 2016 AQMP is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. SCAQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance³ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

The SCAQMD has also developed both regional and localized significance thresholds. SCAQMD staff requests that the Lead Agency compare the emission results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by SCAQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the Draft EIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the Draft EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not

² South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Available at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

³ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, for phased projects where there will be an overlap between construction and operation, emissions from the overlap construction and operational activities should be combined and compared those emissions to SCAQMD's regional air quality operational thresholds to determine the level of significance.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the Proposed Project, including:

- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a "no project" alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a Responsible Agency for the Proposed Project. For more information on permits, please visit the SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to the SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

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

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or call me at (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC170912-13

Control Number



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

October 6, 2017

Mr. Tom Grahn
Associate Planner
Community Development Department
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, California 91730
Tom.Grahn@cityofrc.us

NOTICE OF PREPARATION (NOP) FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR RANCHO CUCAMONGA NORTH EASTERN SPHERE ANNEXATION SPECIFIC PLAN (SCH# 2017091027)

Dear Mr. Grahn:

The Department of Toxic Substances Control (DTSC) has reviewed the subject NOP. The following project description is stated in the NOP: "The proposed North Eastern Sphere Annexation Specific Plan contains a total of 4,388 acres, which is divided into two priority planning areas: the Conservation Priority Area and the Development Priority Area (see Figure 3, Project Area - Planning Areas)."

Based on the review of the submitted document DTSC has the following comments:

1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions. The NOP states, "Within the 579 acres, the proposed Specific Plan . . . 20 to 25 acres of public open space; and designation of a 16-acre elementary school site." If state funding is anticipated, then DTSC review/approval is required pursuant to California Education Code. For school projects that do not require state funding, DTSC recommends environmental review under the DTSC school program oversight to ensure the school is safe for students and staff.

2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.
3. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
4. If the proposed project involves the demolition of existing structures, lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations if buildings are modified/ demolished. Appropriate mitigation measures should be included in the EIR.
5. If the project site was used for agricultural or related activities, residual pesticides may be present in onsite soil. DTSC recommends investigation and mitigation, as necessary, to address potential impact to human health and environment from residual pesticides. Mitigation measures should be included in the EIR.
6. DTSC recommends evaluation, proper investigation and mitigation, if necessary, on onsite areas with current or historic PCB-containing transformers. Appropriate mitigation measures should be included in the EIR.
7. If the project development involves soil export/import, proper evaluation is required. If soil contamination is suspected or observed in the project area, then excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if imported soil was used as backfill onsite and/or backfill soil will be imported, DTSC recommends proper evaluation/sampling is necessary to ensure the backfill material is free of contamination.
8. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

Mr. Tom Grahn
October 6, 2017
Page 3

If you have any questions regarding this letter, please contact me at (714) 484-5380 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnson P. Abraham", with a horizontal line drawn underneath the signature.

Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program - Cypress

kl/sh/ja

cc: Governor's Office of Planning and Research (via e-mail)
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
State.clearinghouse@opr.ca.gov

Mr. Dave Kereazis (via e-mail)
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Mr. Shahir Haddad, Chief (via e-mail)
Schools Evaluation and Brownfields Cleanup
Brownfields and Environmental Restoration Program - Cypress
Shahir.Haddad@dtsc.ca.gov

CEQA# 2017091027



October 10, 2017

Mr. Tom Grahn, Associate Planner
City of Rancho Cucamonga, Community Development Department
10500 Civic Center Drive
Rancho Cucamonga, California 91730
Phone: (909) 774-4312
E-mail: tom.grahn@cityofrc.us

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan [SCAG NO. IGR9384]

Dear Mr. Grahn,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS) goals and align with RTP/SCS policies.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the proposed project. The proposed project includes a specific plan that will pre-zone and annex approx. 4,088 acres of mostly undeveloped land in San Bernardino County, establish a conservation program for 3,664 acres of natural foothill habitat, and develop 579 acres for 3,800 residential units, 280,000 square feet of non-residential space, 20 to 25 acres of public open space, and a 16-acre elementary school.

When available, please send environmental documentation to SCAG's office in Los Angeles or by email to au@scag.ca.gov providing, at a minimum, the full public comment period for review. If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Anita Au, Assistant Regional Planner, at (213) 236-1874 or au@scag.ca.gov. Thank you.

Sincerely,

Ping Chang
Acting Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
RANCHO CUCAMONGA NORTH EASTERN SPHERE ANNEXATION SPECIFIC PLAN
[SCAG NO. IGR9384]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

SCAG 2016 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>
<small>*SCAG does not yet have an agreed-upon security performance measure.</small>	

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG 2016 RTP/SCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtppscs.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted City of Rancho Cucamonga Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	173,900	198,300	204,300
Households	6,458,000	7,325,000	7,412,300	57,100	70,200	73,100
Employment	8,414,000	9,441,000	9,871,500	82,300	101,800	104,600

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtppscs.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

www.SBCounty.gov

Kevin Blakeslee, P.E.
Director

Transmitted via Email

October 10, 2017

City of Rancho Cucamonga
Attn: Tom Grahn, Associate Planner
Community Development Department
10500 Civic Center Drive
Rancho Cucamonga, CA. 91730

File: 10(ENV)-4.01

RE: CEQA/NEPA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT FOR THE NORTH EASTERN SPHERE ANNEXATION SPECIFIC PLAN FOR THE CITY OF RANCHO CUCAMONGA

Dear Mr. Grahn:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on September 11, 2017** and pursuant to our review, the following comments are provided:

At this time we have no specific comments or recommendations for inclusion in the Draft EIR in response to this Notice of Preparation. The San Bernardino County Flood Control District staff looks forward to working closely with the City in the EIR development and analysis.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings.

In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael R. Perry".

Michael R. Perry
Supervising Planner
Environmental Management

MRP:PE:sr
Email: Tom.grahn@cityofrc.us

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
Chairman, First District

JANICE RUTHERFORD
Second District

JAMES RAMOS
Third District

CURT HAGMAN
Vice Chairman, Fourth District

JOSIE GONZALES
Fifth District

DENA M. SMITH
Interim Chief Executive Officer

State Water Resources Control Board

October 9, 2017

Rancho Cucamonga
Attn: Tom Grahn
Community Development Department
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

RE: NOTICE OF PREPARATION FOR EIR, RANCHO CUCAMONGA NORTH EASTERN
SPHERE ANNEXATION SPECIFIC PLAN; SCH #2017091027

Dear Tom Grahn:

Thank you for the opportunity to comment on the scope of the analysis for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan. The State Water Resources Control Board, Division of Drinking Water (SWRCB) is responsible for issuing Water Supply Permits administered under the Safe Drinking Water Program and may need to issue a new or amended Water Supply Permit for the above referenced project. A project triggers a permit if it includes changes to the water supply, storage, treatment of drinking water, or consolidation of one or more public water systems. SWRCB will be the "responsible agency" pursuant to the California Environmental Quality Act (CEQA).

The City of Rancho Cucamonga will be preparing a draft Environmental Impact Report for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan. Rancho Cucamonga is soliciting information on the scope of the environmental analysis for the proposed project.

The City should consider the following things in their Environmental Impact Report:

- Please consider any drinking water system that will be constructed to provide for the development of the area and environmental effects that the construction and operation of the water system components and overall water system will have.
- If the project has 200 or more dwellings, the document should include verification of water supply provided by a water purveyor (District) or county based on 20 years of historical records, that includes an urban shortage contingency analysis, and identifies the supply reduction for "specific water use sector" per Water Supplier's resolution, ordinance, or contract, (SB221).
- If the project will supply 500 or more dwelling units, the document should include a water supply assessment prepared by the water district or County that addresses the potential environmental impacts of the project. The document

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

must conclude that the supply of domestic water available to the development is adequate, and will continue to be adequate over the next 20 years during normal, dry, and multi-dry years, (SB610).

- Please provide us with an electronic copy of the EIR for comment during the circulation process.

Sincerely,

Lori Schmitz

Lori Schmitz,
Environmental Scientist
1001 I Street, Sacramento, CA 95814

Cc:
Office of Planning and Research, State Clearinghouse



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



October 10, 2017

Sent via email

Mr. Tom Grahm
Associate Planner
City of Rancho Cucamonga
10500 Civic Center Dr.
Rancho Cucamonga, CA 91730
tom.grahm@cityofrc.us

Subject: Notice of Preparation of a Draft Environmental Impact Report
Rancho Cucamonga North Eastern Sphere Annexation Specific Plan
State Clearinghouse No. 2017091027

Dear Mr. Grahm:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan Project (project) [State Clearinghouse No. 2017091027]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project involves pre-zoning and annexation of approximately 4,388 acres of land under the jurisdiction of the County of San Bernardino into the City of Rancho Cucamonga (City). Other key components include, but are not limited to the development of approximately 579 acres, involving the construction of approximately 3,800 residential units and associated infrastructure; and the development of a conservation program. The project is located along the northeastern edge of the City at the base of the San Gabriel Mountains and generally lies west of Interstate 15 (I-15), north of I-210, and north of residential development within the City.

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City (the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources.

The Department recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable Department staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The Department recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. The Department recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. The Department's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. The Department recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be effected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service, where necessary. Note that the Department generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Based on the Department's local biological knowledge of the project area, and review of CNDDDB, the project site has a high potential to support both nesting and foraging habitat for burrowing owl (*Athene cunicularia*), a California Species of Special Concern. As such, the Department recommends that City, during preparation of the DEIR, follow the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012); available for download from the Department's website at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>

The Staff Report on Burrowing Owl Mitigation specifies that project impact evaluations include:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the *Staff Report on Burrowing Owl Mitigation*, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of

proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>);
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all mitigation lands within and adjacent to the project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the project. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address project-related changes on drainage patterns and water quality within, upstream, and downstream of the project site, including: volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.

With respect to defensible space: please ensure that the DEIR fully describes and identifies the location, acreage, and composition of defensible space *within* the proposed Development Priority areas. Please ensure that any graphics and descriptions of defensible space associated with this project comply with San Bernardino County Fire/Rancho Cucamonga Fire (or other applicable agency) regulations/ requirements. The City, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservation lands. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require in-perpetuity vegetation management.

2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or conservation/mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to adjacent open space lands from both the construction of the project and long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

Note that the DEIR must describe and analyze a range of reasonable alternatives to the project that are potentially feasible, would "feasibly attain most of the basic objectives of the project," and would avoid or substantially lessen any of the project's significant effects (CEQA Guidelines § 15126.6[a]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project. When proposing measures to avoid, minimize, or mitigate impacts, the Department recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area. The Department also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. The Department recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.

2. *Sensitive Plant Communities*: The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *Mitigation*: The Department considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the project, the Department recommends that the City include specific mitigation in the DEIR. CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

The Department recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). Furthermore, in order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
(a) the location of restoration sites and assessment of appropriate reference sites;
(b) the plant species to be used, sources of local propagules, container sizes, and seeding rates;
(c) a schematic depicting the mitigation area;
(d) a local seed and cuttings and planting schedule;
(e) a description of the irrigation methodology;
(f) measures to control exotic vegetation on site;
(g) specific success criteria;
(h) a detailed monitoring program;
(i) contingency measures should the success criteria not be met; and
(j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

The Department recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

5. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The Department recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the Department recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

6. *Moving out of Harm's Way*: The proposed project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the Department recommends that the lead agency condition the DEIR to require that a Department-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., the Department does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
7. *Translocation of Species*: The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). The Department recommends that a CESA Incidental Take Permit (ITP) be obtained if the project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

The Department encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance,

minimization, and mitigation measures must be sufficient for the Department to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Additional Comments and Recommendations

To ameliorate the water demands of this project, the Department recommends incorporation of water-wise concepts in project landscape design plans. In particular, the Department recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for

example the Rancho Santa Ana Botanic Garden in Claremont). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <http://saveourwater.com/>

Further Coordination

The Department appreciates the opportunity to comment on the NOP of a DEIR for the Rancho Cucamonga North East Sphere Annexation Specific Plan Project (SCH No. 2017091027) and recommends that City of Rancho Cucamonga address the Department's comments and concerns in the forthcoming DEIR. If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Joanna Gibson at (909) 987-7449 or at Joanna.gibson@wildlife.ca.gov.

Sincerely,


Leslie MacNair
Regional Manager

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>



LAFCO

**Local Agency
Formation Commission**
for San Bernardino County

1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490
909.398.0480 | Fax 909.398.0481
E-mail: lafco@lafco.sbcounty.gov
www.sblafco.org

Established by the State of California
to serve the Citizens, Cities, Special Districts
and the County of San Bernardino

COMMISSIONERS

JIM BAGLEY
Public Member

KIMBERLY COX, Chair
Special District

JAMES V. CURATALO
Special District

ROBERT A. LOVINGOOD
Board of Supervisors

LARRY McCALLON
City Member

JAMES RAMOS, Vice Chair
Board of Supervisors

DIANE WILLIAMS
City Member

ALTERNATES

STEVEN FARRELL
Special District

JANICE RUTHERFORD
Board of Supervisors

Vacant
Public Member

ACQUANETTA WARREN
City Member

STAFF

KATHLEEN ROLLINGS-McDONALD
Executive Officer

SAMUEL MARTINEZ
Assistant Executive Officer

MICHAEL TUERPE
Project Manager

LA TRICI JONES
Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

October 11, 2017

Mr. Tom Grahn, Associate Planner
City of Rancho Cucamonga
Planning Department
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

RE: City of Rancho Cucamonga Notice of Preparation of a Draft
Environmental Impact Report for the Rancho Cucamonga
North Eastern Sphere Annexation Specific Plan

Dear Mr. Grahn:

The Local Agency Formation Commission for San Bernardino County (LAFCO) acquired a copy of the Public Notice of Preparation (NOP) for the above-referenced project from the City's Website. After reviewing the notice, LAFCO has the following comments and/or concerns:

- LAFCO is a responsible agency as defined by the California Environmental Quality Act (CEQA). Since LAFCO will serve as CEQA Responsible Agency, it is essential that the draft Environmental Impact Report (EIR) prepared for this proposed project contain an adequate discussion of all potential environmental impacts so that it can be considered and accepted by the Commission when it considers the proposed reorganization at some time in the future.

Some of the issues that need to be addressed and evaluated in the draft EIR include the type of services that are available, the type of services to be provided, the existing infrastructure and the necessary infrastructure to serve the area that is being annexed into the City. These issues, among others, have potential indirect effects on environmental factors such as Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Noise, Population and housing, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems that will have to be addressed in the draft EIR.

- It should be noted that the project description for the NOP does not describe fully the overall project, which will require a reorganization to include not only the annexation to the City of Rancho Cucamonga, but also the annexations to the other City service providers such as the Cucamonga Valley Water District (CVWD), the water and sewer collection service provider and the Inland Empire Utilities Agency (IEUA), the regional wastewater collection and treatment service provider, as well as the detachment from County Service Area 70 (multi-function unincorporated area Countywide). In addition, IEUA is a member agency of the Metropolitan Water District of Southern

California (MET), which is a consortium of cities and water agencies that import State Water Project water to supplement local water supplies. Therefore, the reorganization will also include the annexation to MET (whose boundaries are coterminous to those of IEUA). The document should also include a discussion of the environmental consequences that would result in the extension of infrastructure facilities to the project area.

It might be helpful to the reader if the acreages that are being annexed into the different service providers be clearly identified. It would also be helpful if the attached figures clearly show the boundaries that are being annexed into CVWD and IEUA (which also represents the boundary for MET), since the said annexation boundaries to these agencies are all different from one another.

In addition, the City should also identify if the area (or portion of the area) will be included within a Community Facilities District or an Assessment District for funding of infrastructure and/or operation and maintenance.

- If the City is proposing the detachment from County Service Area 120 (open space and habitat conservation), it must also evaluate the said detachment from CSA 120 and the impacts associated with the transfer of service, and the future acquisition, preservation, maintenance, and operation of habitat/conservation lands in the area.
- It should be noted that the area is already within the Rancho Cucamonga Fire Protection District (for structural fire) and that CALFIRE provides service for those emergencies involving wildland fires within the unincorporated area. The document should include a discussion and evaluation of the removal of the State Responsibility Area (SRA) designation for wildland fire protection, which automatically occurs upon annexation to the City as outlined in State law.

Thank you for allowing us to provide comments to the NOP. If you have any questions concerning the information outlined above, please do not hesitate to contact me or Samuel Martinez, Assistant Executive Officer, at (909) 388-0480. Please maintain LAFCO on your distribution list to receive further information related to this process. We look forward to working with the City on its future processing of this project.

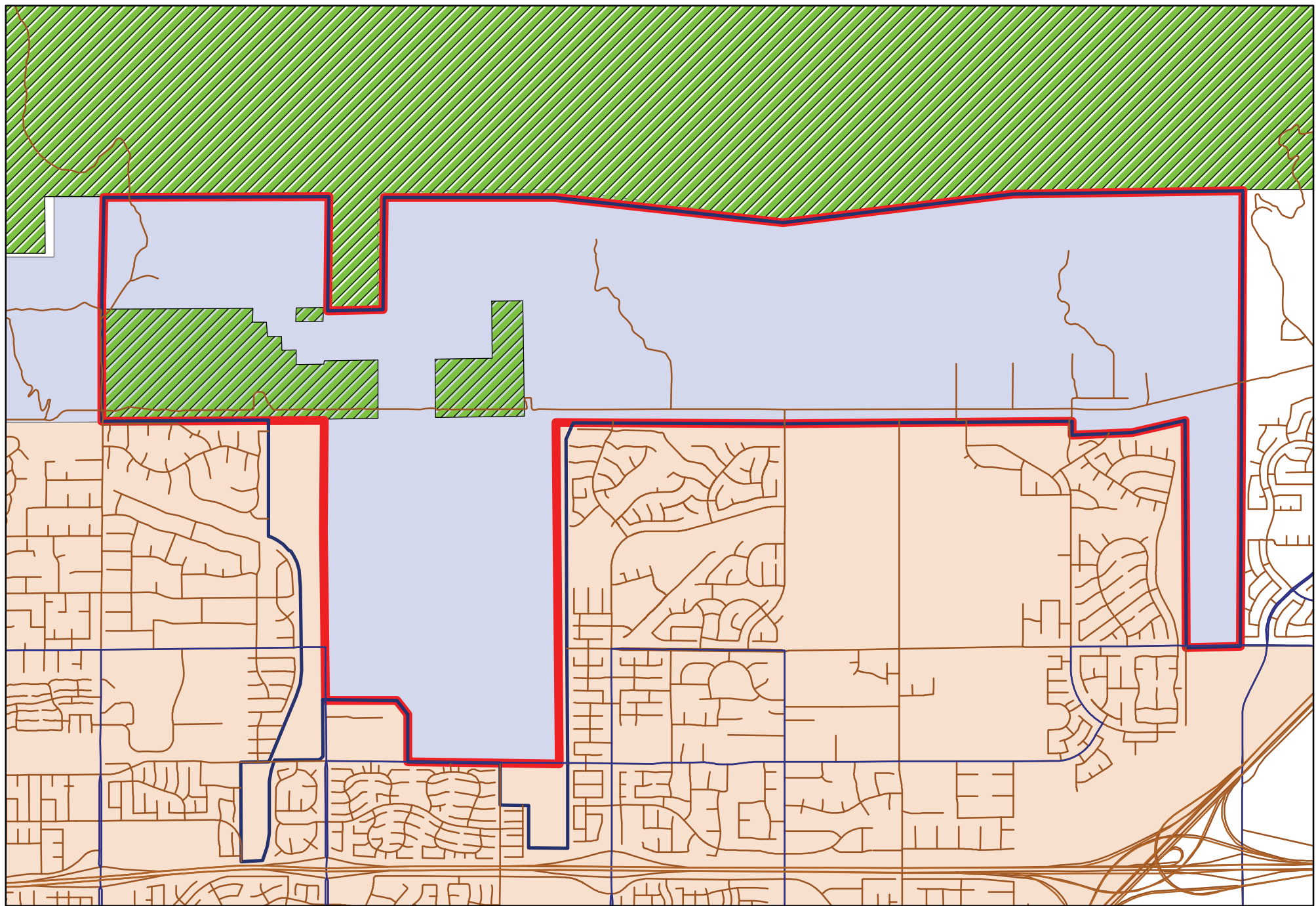
Sincerely,



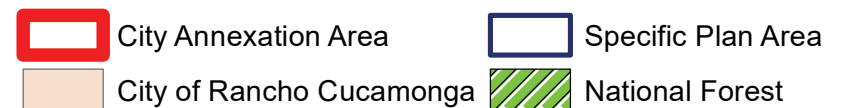
KATHLEEN ROLLINGS-McDONALD
Executive Officer

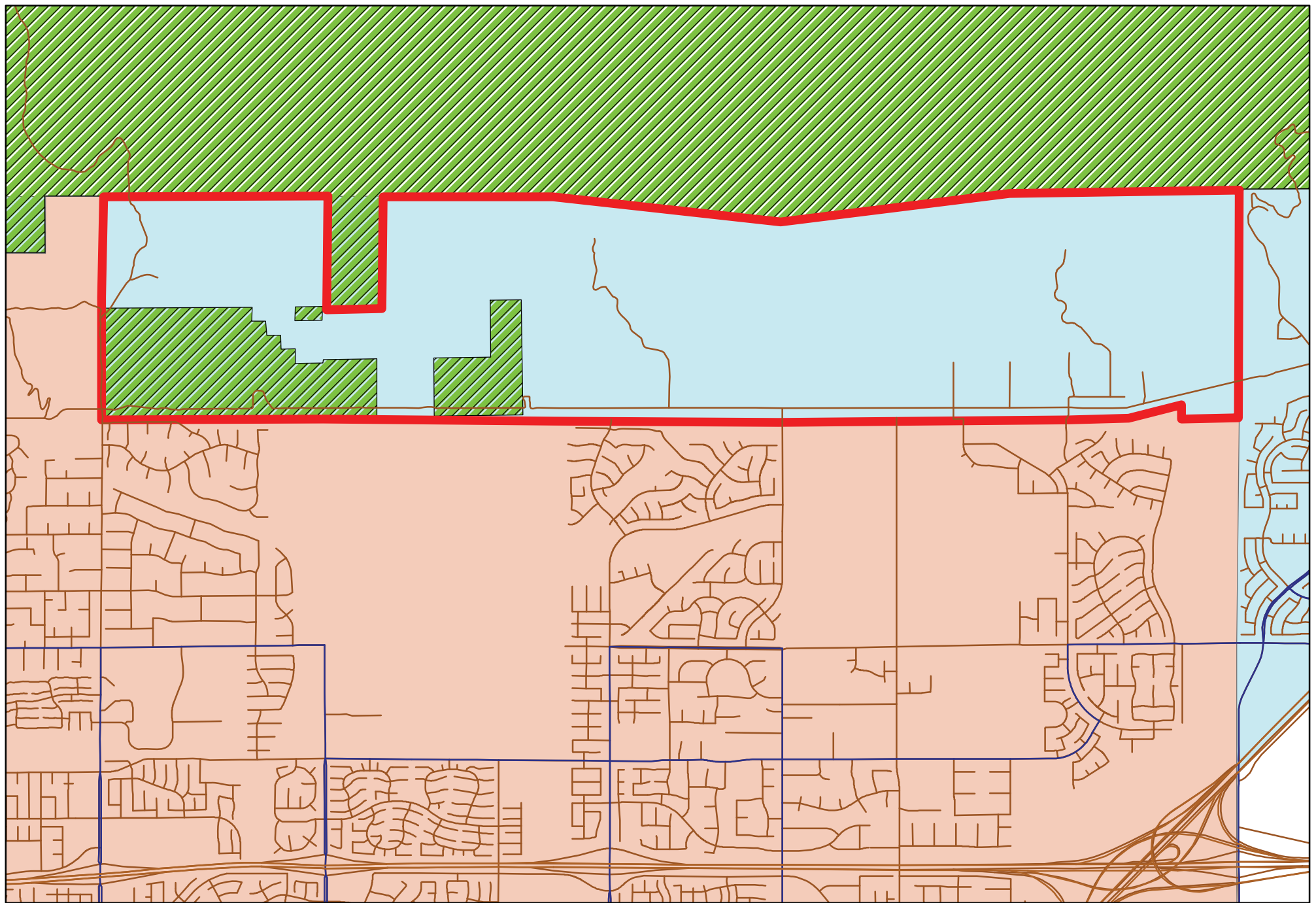
Attachments

cc: Tom Dodson, Tom Dodson and Associates, Environmental Consultant to LAFCO
Martin Zvirbulis, General Manager/CEO, Cucamonga Valley Water District
Joe Grindstaff, General Manager, Inland Empire Utilities Agency
Ethel Young, Annexations Real Property Development and Management Group,
Metropolitan Water District of Southern California
Jeffrey Rigney, Director, Special Districts Department, San Bernardino County

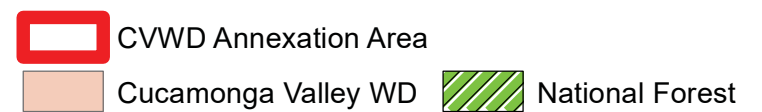


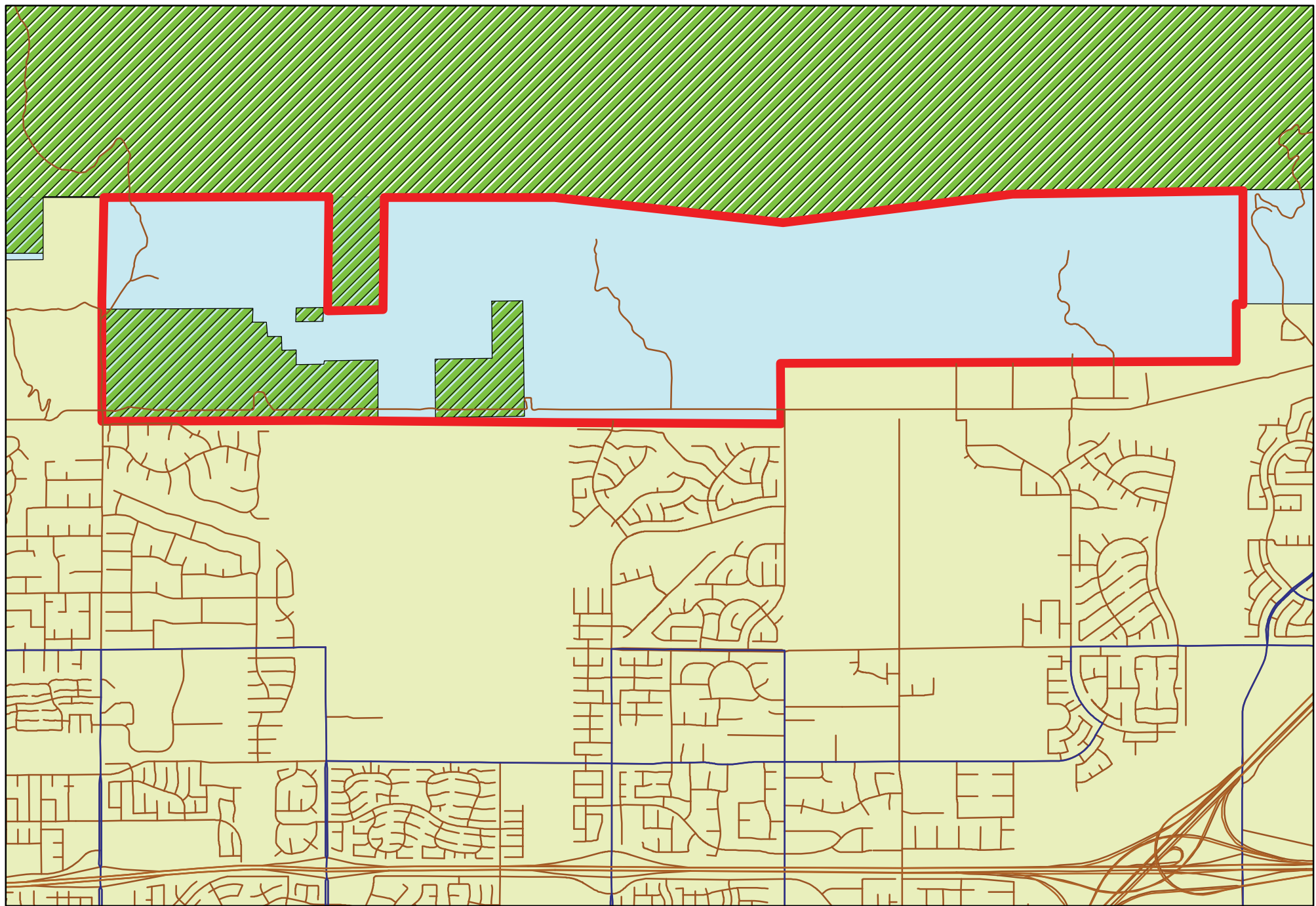
ANNEXATION TO THE CITY OF RANCHO CUCAMONGA







ANNEXATION TO CUCAMONGA VALLEY WD





**ANNEXATION TO INLAND EMPIRE UTILITIES AGENCY
& METROPOLITAN WATER DISTRICT OF SO. CAL.**

 IEUA & MET Annexation Area
 IEUA & MET

 National Forest

Patrick Kaemerle, Esq.
1 Lime Orchard
Laguna Niguel, CA 92677
949-248-1243

October 26, 2017

Tom Grahn
Associate Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Via email: tom.grahn@cityofrc.us

Dear Mr. Grahn and Planning Staff,

I am the Manager for Inland Real Estate Group, LLC, owner of a parcel of land located in the County of San Bernardino (APN 0226-061-57) and within the City of Rancho Cucamonga's proposed "North Easter Sphere Annexation Project (NESPA)". I have also spoken to several additional land owners within NESPA, and have been authorized to voice their opposition as well. All are owners in the proposed 2,915 "conservation priority area".

I am unable to attend the meeting this evening as are the other property owners referenced above. We vehemently oppose the annexation and conversion of our properties to open space and deem the proposed plan an attempted taking without compensation. We will not stand for this and will oppose it by all legal means, including but not limited to filing a lawsuit against the city to restrain and enjoin the City from pursuing this project and a suit for monetary damages, if necessary.

I would ask that this letter of opposition be read into the record this evening and included in the official written records for this meeting.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick", is written over the printed name.

Patrick Kaemerle, Esq.
Cc: Anthony Maricic

November 10, 2017

Tom Grahn
Associate Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

To Mr. Grahn and Planning Staff,

I am the owner of the BPEA, LLC, co-owner of three parcels of land located in the County of San Bernadino (APN 0226-061-57) and within the city of Rancho Cucamonga's proposed "North Easter Sphere Annexation Project (NESPA)". The three parcels of note are:

- 0201-033-39-0-000
- 0201-033-40-0-000
- 0201-021-05-0-000

While I am unable to attend any public meetings or discussions on the proposed annexation, I want to join the other owners within the proposed "conservation priority area" in voicing our strong opposition to the annexation and conversion of our properties to open space and deem the proposed plan an attempted taking without compensation.

I hope this issue can be addressed amicably. However, I am prepared to take any legal means necessary, including but not limited to filing a lawsuit against the city to restrain and enjoin the city from pursuing this project and a suit for monetary damages.

I ask that this letter of opposition be included into the public record.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'Andrew Hu', with a stylized flourish at the end.

Andrew Hu
Partner

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Monday, November 20, 2017 10:20 AM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: Annexation Project

Received the following in opposition to the NESAP.

From: deanna brophy [<mailto:deannabrophy@yahoo.com>]
Sent: Saturday, November 18, 2017 10:46 AM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: Annexation Project

Hello Tom,

My name is Deanna Brophy and I've attended 3 of the annexation meetings. Myself and other residents are against the idea of building high density units above Los Osos.

We would like to meet with you and city council to discuss our concerns in a private meeting.

- 1) why didn't city council attend these meetings?
- 2) I e-mailed the Mayor and no response yet, which is disappointing
- 3) if the city wants to generate money, build solar panels on that land and generate power
- 4) our number one option is to preserve the land, no cost. This is what ALL the residents want.
- 5) the traffic will be horrendous
- 6) no response from planning about additional schools
- 7) opening Wilson WILL NOT alleviate traffic
- 8) opening Wilson WILL bring in crime from neighboring cities
- 9) increase air pollution
- 10) the city living units...apartments...will lower property values
- 11) Residents moved up here to be away from city living
- 12) why are you creating a study for 3800 units? Why are you not starting small?
- 13) WE DO NOT WANT COMMERCIAL BUILDINGS...a Village. You heard the residents, we already have Victoria Gardens and tons of stores South of the 210.
- 14) it's not okay, that we, the residents are not being heard. If you were listening, you would give us answers, the answers from your peers and the consultant continue to change at the meetings. When we ask the SAME question, we get different answers.
- 15) the Consultant you hired is completely unprofessional, condescending, and rude. He should be more humble and completely understand the frustration from us residents. He should know being in this type of business, residents have valid concerns.
- 16) concern with the Tribal land, and we want feedback as to what the outcome of the meeting was with the Tribal committee
- 17) currently, your planning org has delayed the construction of the monk's request for building on their land...and what they can build. Since you've had the ability and authority to delay (which I'm good with, I against the Temple development), you also have the authority to take over the annexation AND tell any developer what they can and can't build. Preserve the land.

I'm looking forward to your response. I can be reached at 626.780.6619

Thank you,
Deanna Brophy

[Sent from Yahoo Mail on Android](#)

November 18, 2017

Tom Grahm
Associate Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

To Mr. Grahm and Planning Staff,

I am the owner of the BPEA, LLC, co-owner of three parcels of land located in the County of San Bernadino (APN 0226-061-57) and within the city of Rancho Cucamonga's proposed "North Easter Sphere Annexation Project (NESPA)". The three parcels of note are:

- 0201-033-39-0-000
- 0201-033-40-0-000
- 0201-021-05-0-000

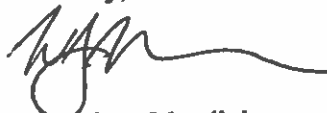
While I am unable to attend any public meetings or discussions on the proposed annexation, I want to join the other owners within the proposed "conservation priority area" in voicing our strong opposition to the annexation and conversion of our properties to open space and deem the proposed plan an attempted taking without compensation.

I hope this issue can be addressed amicably. However, I am prepared to take any legal means necessary, including but not limited to filing a lawsuit against the city to restrain and enjoin the city from pursuing this project and a suit for monetary damages.

I ask that this letter of opposition be included into the public record.

Thank you.

Sincerely,



Woon Jaye Mendiola

CITY OF RANCHO CUCAMONGA

NOV 20 2017

RECEIVED - PLANNING

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Tuesday, November 21, 2017 5:33 PM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: Against NESAP

-----Original Message-----

From: Hong Yun [<mailto:yunhongusc@yahoo.com>]
Sent: Tuesday, November 21, 2017 5:27 PM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: Against NESAP

Sent from my iPhone

Hi Tom

My family against NESAP

We need our high quality of life that is why we move to Alta Lima!

Thank you !

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Tuesday, November 21, 2017 5:33 PM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: Hell no on NESAP

From: rlamb54301@aol.com [mailto:rlamb54301@aol.com]
Sent: Tuesday, November 21, 2017 4:18 PM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: Hell no on NESAP

I have lived in Rancho since 1980. Enough is enough. No NESAP.

It used to be awesome in Rancho. Now it sucks.

Congestion, Crime, Coyotes. It's terrible.

This city is doing NOTHING about the coyotes killing pets all around the city and you guys want to build more?

Come on. STOP.

Thank you.

Rick

-----Original Message-----

From: Nextdoor Chaffey <reply@rs.email.nextdoor.com>
To: rlamb54301 <rlamb54301@aol.com>
Sent: Tue, Nov 21, 2017 4:03 pm
Subject: Who has attended? Video of last NESAP meeting

▪

 Anne Rice, Deer Creek

Hi neighbors- if you live above the 210, this project will definitely effect your quality of life, traffic, children's education and property value. Here is a link to the last NESAP meeting regarding the development of the land north of Banyan, above LOHS. Please send emails and messages to Tom Grahn, Associate Planner, to let him know we do not need high density, commercial and retail space in Alta Loma

Tom Grahn

Associate Planner of RC

Tom.Grahn@CityofRC.us

909-774-4312 direct line

Video of the las NESAP meeting

<https://youtu.be/qerQBCMqY0>

Nov 21 in General to 19 neighborhoods

[View or reply](#)

[Thank](#) · [Private message](#)



You can also reply to this email or use Nextdoor for [iPhone](#) or [Android](#)

This message is intended for r1amb54301@aol.com.

[Unsubscribe or adjust your email settings](#)

Nextdoor, 875 Stevenson Street, Suite 700, San Francisco, CA 94103

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Wednesday, November 22, 2017 9:47 AM
To: dsargent@sargenttownplanning.com; john@newurbanrealtyadvisors.com; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: Fwd: Annex Project

FYI

Sent from my iPhone

Begin forwarded message:

From: uswork@aol.com
Date: November 22, 2017 at 9:44:00 AM PST
To: tom.grahn@cityofrc.us
Subject: Annex Project

Hello,

I will never again vote for any City Council member who votes "yes" on the Annex Project.

I have attended 2 meetings on Thursday evenings.

Words cannot express my disgust with Rancho.

The master plan calls for homes with large lots above Wilson.

The new plan the City Council is pushing with their hired hit man to beat down residents is not appropriate for the area.

But, you are making your salary and benefits and that is all that is important.

But, City Council is getting developer money and that is all that is important.

Residents and voters are not important.

This is why our country is in the condition it is in -- politicians with their city planners.

I wonder how you humans can be so cruel to other humans and call yourselves human.

JoAnn Henkel

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Wednesday, November 22, 2017 9:47 AM
To: dsargent@sargenttownplanning.com; john@newurbanrealtyadvisors.com; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: Fwd: Annex Project

FYI

Sent from my iPhone

Begin forwarded message:

From: uswork@aol.com
Date: November 22, 2017 at 9:44:00 AM PST
To: tom.grahn@cityofrc.us
Subject: Annex Project

Hello,

I will never again vote for any City Council member who votes "yes" on the Annex Project.

I have attended 2 meetings on Thursday evenings.

Words cannot express my disgust with Rancho.

The master plan calls for homes with large lots above Wilson.

The new plan the City Council is pushing with their hired hit man to beat down residents is not appropriate for the area.

But, you are making your salary and benefits and that is all that is important.

But, City Council is getting developer money and that is all that is important.

Residents and voters are not important.

This is why our country is in the condition it is in -- politicians with their city planners.

I wonder how you humans can be so cruel to other humans and call yourselves human.

JoAnn Henkel

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Wednesday, November 22, 2017 11:26 AM
To: dsargent@sargenttownplanning.com; john@newurbanrealtyadvisors.com; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: Fwd: Annexation Project

FYI

Sent from my iPhone

Begin forwarded message:

From: deanna brophy <deannabrophy@yahoo.com>
Date: November 22, 2017 at 11:24:39 AM PST
To: "tom.grahn@cityofrc.us" <tom.grahn@cityofrc.us>
Subject: Annexation Project
Reply-To: "deannabrophy@yahoo.com" <deannabrophy@yahoo.com>

Tom,
PRESERVE THE LAND, we do not want zoning to be approved for commercial, apartments and condos.

No to 3800 units.

[Sent from Yahoo Mail on Android](#)

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Monday, November 27, 2017 4:51 PM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: North Eastern annexation project

This was submitted prior to the last Community Meeting.

-----Original Message-----

From: John Honaker [<mailto:jmhonaker@charter.net>]
Sent: Thursday, November 16, 2017 3:07 PM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: North Eastern annexation project

Hello Mr Grahn,

I live off of Wardman-Bullock. My main concern about this project is the traffic in the northern part of the city, we only have one east/west street north of the 210 that goes between Haven and East avenues, and often Banyan is very busy due to rush hour and all of the schools that are located on Banyan.

It would be my hope that future developers be required to connect Wilson Avenue between East Avenue and Milliken Avenue. I know part of Wilson is not included in the sphere of the project, but hopefully the developers can be convinced to do the work.

Also if someone could convince Caltrans to utilize all of the 210 freeway and add one additional lane in each direction through Rancho Cucamonga that would be great. I've never quite understood why the freeway goes from four lanes to three in Upland as you approach the western border of Rancho Cucamonga.

Thank you for your time sir.

John Honaker
14049 San Segundo dr
Rancho Cucamonga, ca 91739

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Wednesday, November 29, 2017 11:07 AM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: NESAP

-----Original Message-----

From: Cynthia J Dunlap [<mailto:dunlapcjd@charter.net>]
Sent: Wednesday, November 29, 2017 8:37 AM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: NESAP

Sent from my iPhone

Dear Tom Graham,

This is to inform you of my opposition to the NESAP project currently being considered in RANCHO Cucamonga.

I am opposed for the following reasons:

1. Over crowding: the proposed project Creates "Stack and Pack" apartment/condo housing! We DO NOT have the infrastructure or creative elements in this area to this type of housing.
2. This "stack and pack" totally goes against the Equestrian way of life!
3. This area is a designated FLOOD PLANE!
4. The area is a VERY HIGH RISK FIRE ZONE! (As per Cal Fire!)
5. The City Council is just taking Grant Monies to crest a RATIONED way of life!
6. This city has NOT DESIGNED ANYTHING in the last 10 years, that is cohesive or artistically aesthetic to urban living! RANCHO Cucamonga , looks like a "patchwork quilt"! There is Retail on every corner and no centralized or designated area that signifies a "central Downtown area!"
(You must find this difficult when planning a parade?)
7. There is NO new public ART anywhere in this city!!!--the current, "Public Art" is old, tired, and greatly lacking!!!

Please take note and record my opposition!!

Sincerely,

Cynthia J Dunlap, M.Ed, MA,
resident since 1974

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Tuesday, December 05, 2017 4:26 PM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: North Eastern Sphere Annexation Specific Plan

-----Original Message-----

From: Dan Silver [<mailto:dsilverla@me.com>]
Sent: Tuesday, December 05, 2017 4:10 PM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: North Eastern Sphere Annexation Specific Plan

Dear Mr Grahn:

Please place Endangered Habitats League (EHL) on all notification and distribution lists for this project, including CEQA documents, public hearings, workshops, etc. Please transmit information electronically to <dsilverla@me.com>.

Your confirmation is requested and appreciated.

I will review the materials on the website and give you a call for additional information.

Regards
Dan

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750

dsilverla@me.com

<https://na01.safelinks.protection.outlook.com/?url=www.ehleague.org&data=02%7C01%7Crthomas%40dudek.com%7Ce1ea40bbaa1b486b55e308d53c3fec8%7C82b8a27d5b4c4dbeba360ee75edffcac%7C1%7C0%7C636481167609847644&sdata=RwCYESqArvwfdTKIH%2FCi%2BolZnumT%2F8ZA0RGB%2B1zh014%3D&reserved=0>

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Monday, December 18, 2017 7:47 AM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: New PUC Regs for Vegetation Clearance for Power Transmission Lines

Comments from Dennis Cisneros

From: dcisneros5126@charter.net [<mailto:dcisneros5126@charter.net>]
Sent: Friday, December 15, 2017 6:07 PM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: FW: New PUC Regs for Vegetation Clearance for Power Transmission Lines

Attention: Mr Tom Grahn, NESAP Project Manager for City of Rancho Cucamonga;

Be advised of NEW PUC Regulations for Public Utilities Transmission Lines that requires improved Vegetation Clearance/Management, Mapping of High Fire Risk, Monitoring & Patrolling for Compliance. This points to the High Fire Risk and Negative Impact on Development of any kind under, adjacent and around Public Transmission Lines within and near the NESAP Area.

From: dcisneros5126@charter.net
To: "Robert.ball@cityofrc.us", "dboldt@sbcscd.org", "John.Gillison@cityofrc.us", "SupervisorRutherford@sbcounty.gov"
Cc: "John@WrightwoodCalif.com", "LDyberg@ALA-CA.ORG", "mtbaldyfrost@yahoo.com", "mhartwig@sbcfire.org"
Sent: 16-Dec-2017 01:40:30 +0000
Subject: New PUC Regs for Vegetation Clearance for Power Transmission Lines

<https://www.nbclosangeles.com/news/local/LA-California-Wildfires-Prompt-Tougher-Rules-for-Utilities-464243823.html>

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M200/K638/200638039.PDF>

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Wednesday, December 20, 2017 4:41 PM
To: David Sargent; John Baucke; Ruta Thomas
Subject: FW: NORTH EASTERN SPHERE ANNEXATION PROJECT

-----Original Message-----

From: kevin@hernandezteam.com [<mailto:kevin@hernandezteam.com>]
Sent: Wednesday, December 20, 2017 3:54 PM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: NORTH EASTERN SPHERE ANNEXATION PROJECT

Tom,

Re: Proposed NORTH EASTERN SPHERE ANNEXATION PROJECT

I am a homeowner on 5615 High Meadow Place, that backs to proposed project. I realize the importance of having control of what happens to the land if County were to sell to developers direct with out city impute. With that said, the proposal that was drafted with the amount of homes/condos proposed (3800) and city village will cause enormous traffic congestion and eye sore for the community surrounding. Also take away from the cities unique plan with shopping/restaurants that are primarily below 210 freeway. Further more take away from the view of the mountains.

I am against the current proposal and would request my email to be added to the non-supportive group as a homeowner and tax payer to the City of Ranch Cucamonga. I would assume they can down scale the amount of proposed homes and remove condos & the city village as proposed.

Closing, Upland, Claremont, Fontana, & La Verne don't have any City Village along the Foothills. This is just not the look that City should be looking for to have developers pay for connecting Wilson as stated in 3rd meeting I attended.

Please reply to confirm received.

Thank you for your time and consideration.

Kevin Hernandez
909.241.8055

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Tuesday, January 09, 2018 9:25 AM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: NESAP Proposal - Info you may have forgotten

From: TapestryArtwork.com [<mailto:info@tapestryartwork.com>]
Sent: Tuesday, January 09, 2018 9:21 AM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: NESAP Proposal - Info you may have forgotten

Hello Mr. Grahn,

I received your email from an assistant planner.

Following are some government codes you may wish to read.

The alternative plan that you are preparing for RC residents needs to follow the current General Plan/Equestrian Overlay and current Specific Plan and include homes, horse trails, and the new Etiwanda Equestrian Center (for which the City now holds the funds to build from Equestrian Mitigation Funds).

And the two parcels that are already owned by the City to be marked/indicated as such on the Annex map.

City Planners are to follow laws and implement what RC stakeholder groups and RC resident decided; and not become dictators of what City Planners “re-imagine.”

You may also research court cases where cities tried to ignore city stake holders' and city residents' General Plan and Specific Plans — and lost, and had to pay legal costs of residents who brought forth the case.

Rancho will be the next legal case to become entered into legal history as lawyer is now being selected:

North Eastern Sphere Annexation Project (NESAP)

City Council is doing 3 changes to make this project happen:

1. General Plan/Equestrian Overlay Amendment

California Government Code - 65867.5 Requires development agreements to be consistent with the General Plan

2. New Specific Plan

California Government Code – 65454 Specifies that a Specific Plan may not be adopted or amended unless the proposed plan is consistent with the General Plan

3. Development Code Amendment

This is City of Rancho Cucamonga’s “Development Code” that is going to be changed. Is this done for every developer?

New Urban Realty Advisors Inc

According to the California Supreme Court, “[t]he Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog.” ([Leshar Communications v. City of Walnut Creek, supra, at p. 541](#)).

JoAnn Henkel

909-484-9562

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Thursday, January 11, 2018 12:41 PM
To: dsargent@sargenttownplanning.com; john@newurbanrealtyadvisors.com; Ruta Thomas; Burnett, Candyce; Smith, Michael
Subject: Fwd: North Eastern Sphere Annexation Project

Sent from my iPhone

Begin forwarded message:

From: Gabrieleno Band of Mission Indians <gabrielenoindians@yahoo.com>
Date: January 11, 2018 at 12:32:52 PM PST
To: "tom.grahn@cityofrc.us" <tom.grahn@cityofrc.us>
Subject: North Eastern Sphere Annexation Project
Reply-To: Gabrieleno Band of Mission Indians <gabrielenoindians@yahoo.com>

Hello Tom Graham

This email is in response to the above project. Mr. Salas would like to set up consultation. Please contact us to see what time and date works for you. Thank you

Sincerely,

Brandy Salas

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
Cell: (626)926-4131
Email: gabrielenoindians@yahoo.com
website: www.gabrielenoindians.org

SENT VIA USPS AND E-MAIL:

January 24, 2018

tom.grahn@cityofrc.us

Tom Grahn, Associate Planner

City of Rancho Cucamonga – Community Development Department

Planning Department

10500 Civic Center Drive

Rancho Cucamonga, CA 91730

**Revised Notice of Preparation of a Draft Environmental Impact Report for the
Rancho Cucamonga North Eastern Sphere Annexation Specific Plan¹**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files². These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from SCAQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

¹ According to the Revised Notice of Preparation (NOP), the original NOP for an earlier version of the Proposed Project was released for a 30-day public review and comment period beginning September 11, 2017, with the comment period closing on October 10, 2017. SCAQMD staff provided comments on the original NOP on October 4, 2017 that is available at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2017/nop-northeasternsphere-100417.pdf>.

² Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

SCAQMD has also developed both regional and localized significance thresholds. SCAQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to SCAQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. SCAQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by SCAQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

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

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance³ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project

³ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 of SCAQMD's CEQA Air Quality Handbook
- SCAQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

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

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or call me at (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

SBC180102-08

Control Number

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Tuesday, January 16, 2018 2:09 PM
To: David Sargent; John Baucke; Ruta Thomas
Subject: FW: NORTH EASTERN SPHERE ANNEXATION PROJECT

From: Planning, City
Sent: Tuesday, January 16, 2018 7:53 AM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: FW: NORTH EASTERN SPHERE ANNEXATION PROJECT

From: csabala92@gmail.com [<mailto:csabala92@gmail.com>]
Sent: Sunday, January 14, 2018 7:17 PM
To: Planning, City <City.Planning@cityofrc.us>
Subject: NORTH EASTERN SPHERE ANNEXATION PROJECT

Please reconsider the trails in this plan that span from Banyan going north right behind the housing adjacent to the flood basin. We (the community) do not want foot traffic directly behind our homes and the parking that would have to be provided would be to inviting for others to park and get into mischief. We have had homeless back there and people walking animals leaving trash and what not. We have this now with it being marked as no trespassing, it will only worsen if designed to open to the public. There is no parking on Banyan, so where would people park to walk a trail? Around the corner in our community taking away from our neighborhoods? Please reconsider.

Thank you,
Christine

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710



January 5, 2018

CITY OF RANCHO CUCAMONGA

JAN 11 2018

RECEIVED - PLANNING

Tom Grahn
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Sent via e-mail: tom.grahn@cityofrc.us

RE: SCH# 2017091027; Rancho Cucamonga North Eastern Sphere Annexation Specific Plan Project, City of Rancho Cucamonga; San Bernardino County, California

Dear Mr. Grahn:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

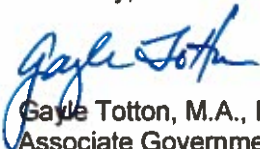
To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst
(916) 373-3714

cc: State Clearinghouse

JAN 22 2018



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

RECEIVED - PLANNING

SENT VIA USPS AND E-MAIL:

January 24, 2018

tom.grahn@cityofrc.us

Tom Grahn, Associate Planner

City of Rancho Cucamonga – Community Development Department

Planning Department

10500 Civic Center Drive

Rancho Cucamonga, CA 91730

Revised Notice of Preparation of a Draft Environmental Impact Report for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan¹

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files². These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from SCAQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

¹ According to the Revised Notice of Preparation (NOP), the original NOP for an earlier version of the Proposed Project was released for a 30-day public review and comment period beginning September 11, 2017, with the comment period closing on October 10, 2017. SCAQMD staff provided comments on the original NOP on October 4, 2017 that is available at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2017/nop-northeasternsphere-100417.pdf>.

² Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 of SCAQMD's CEQA Air Quality Handbook
- SCAQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a "no project" alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

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

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or call me at (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

SBC180102-08

Control Number

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Thursday, January 25, 2018 7:28 AM
To: David Sargent; John Baucke; Ruta Thomas
Subject: FW: Rancho Resident, please read!

From: John Abed [<mailto:johnabed@gmail.com>]
Sent: Thursday, January 25, 2018 1:21 AM
To: City Council <CityCouncil@cityofrc.us>; Gillison, John <John.Gillison@cityofrc.us>; Planning, City <City.Planning@cityofrc.us>; Schrader, Lois <Lois.Schrader@cityofrc.us>; Kendrena, Donna <Donna.Kendrena@cityofrc.us>; Grahn, Tom <Tom.Grahn@cityofrc.us>; Stellie Afana <stelliebird@gmail.com>
Subject: Rancho Resident, please read!

My family and I are Rancho Cucamonga residents, we live in Deer Creek, and we are VERY against high density housing development in the foothills! We are against NESAP!! I grew up in high density housing areas in Los Angeles, through decades of hard work and perseverance my family and I were able to find and purchase our dream home in the Rancho foothills many years ago, and this NESAP proposal is completely unacceptable!! Please do not succumb to the greed and money grab and protect Rancho and its residents!!

John Abed MD

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Monday, January 29, 2018 7:18 AM
To: Burnett, Candyce; Smith, Michael; David Sargent; John Baucke; Ruta Thomas
Subject: FW: Info from Rancho Residents submitted by JoAnn Henkel

From: USWorkWorld [mailto:info@usworkworld.com]
Sent: Saturday, January 27, 2018 8:02 PM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Subject: Info from Rancho Residents submitted by JoAnn Henkel

OFFICIAL NOTICE

Alta Loma Riding Club Opposes

The

City of Rancho Cucamonga North Eastern Sphere Annexation Project

After attending the prior Community Meetings in 2017 and considering the materials distributed to the public the ALRC Board of Directors voted unanimously to oppose this project. The reasons for this action are as follows:

1. The Plan proposed for this Project would eliminate the Equestrian Overlay Zone within the boundaries of this area. The Equestrian Overlay zone has been a basic policy protection that has been in place by the City General Plan and Zoning for over 30 years. The Equestrian Overlay's adoption can be traced back to the original City Incorporation goals, which included policy protection of the equestrian life style for the areas generally north of Banyan Street and include the Sphere of Influence.
2. The creation of a new Specific Plan is unnecessary and in complete contradiction to the existing Etiwanda North Specific Plan. The existing ENSP is in full compliance with the Equestrian Overlay. If (the evidence is still out) there are changes needed then consider amending the existing ENSP, since the existing zoning has been successfully implemented for the most part.
3. The proposed Project includes significant areas that are already in the City (and have been since the original 1977 incorporation. There is no reason to include them except to reduce the overall density of the proposed Project.
4. It needs to be clearly acknowledged that the City through the subsidiary Rancho Cucamonga Fire District has some review and regulatory authority over the City Sphere of Influence.
5. The addition of significant residential and commercial development proposed Project Plan will impact water resources. How can the City consider increasing the level of consumption of this highly limited resource?
6. The City has chosen not to consider dealing with the stalled Equestrian Overlay Impact Fee issues (\$626,000 collected) by amending the ENSP to allow the Equestrian Center called for previously in the Etiwanda North area to be used to enhance the existing Heritage Park Equestrian Center.
7. The proposed Plan does not address planned trails and missing trail connections at the Regional and Community Trail levels.

New Urban Realty Advisors Inc

Additional information and status on this Project can be found on the City web site www.CityofRC.us

Submitted By: Larry Henderson, ALRC Liaison Director (and retired Rancho Cucamonga City Planner)

For your information – in case you forgot from your Urban Planning classes in college –

California Government Code

#65454 -- No specific plan may not be adopted or amended unless the proposed plan is consistent with the GENERAL PLAN.

A development agreement is a contractual agreement between a city or county and a developer that identifies vested rights that apply to a specific development project. By its nature, it offers opportunities for a city or county to assure that GENERAL PLAN objectives, policies, and plan proposals will be implemented as development occurs within an area.

#65359 -- Any specific plan or other plan of the city or county that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the general plan.

#65867.5 -- A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

#65855 -- Requires that the planning commission's written recommendations to the legislative body on the adoption or amendment of a zoning ordinance include a report on the relationship of the proposed adoption or amendment to the General Plan.

Enforcement and Remedies

Any resident or property owner may sue to enforce the requirements for the adoption of an adequate general plan (58 Ops.Cal. Atty.Gen. 21 (1975)). The same is true for enforcing the requirements that zoning and subdivisions must be consistent with the general plan (Gov. Code §§ 65860(b), 66499.33). As the state's chief law enforcement officer, the Attorney General may do the same (58 Ops.Cal.Atty.Gen. 21; Cal. Const., art. V, § 13). Additionally, persons living outside a city have standing to sue if the city's zoning practices exclude them from residing in the city or raise their housing costs by adversely affecting the regional housing market (*Stocks v. City of Irvine* (1981) 114 Cal.App.3d 520).

The courts may impose various remedies for failure to have a complete and adequate general plan (Gov. Code §§ 65750, et seq.). One is a writ of mandate to compel a local government to adopt a legally adequate general plan. The courts also have general authority to issue an injunction to limit approvals of additional subdivision maps, parcel maps, rezonings, and public works projects or (under limited circumstances) the issuance of building permits pending adoption of a complete and adequate general plan (Id., 58 Ops.Cal.Atty.Gen. 21 (1975), *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, *Camp v. Mendocino* (1981) 123 Cal.App.3d 334). Where a court finds that specific zoning or subdivision actions or public works projects are inconsistent with the general plan, it may set aside such actions or projects. Under certain circumstances, the court may impose any of these forms of relief prior to a final judicial determination of a general plan's inadequacy (Gov. Code § 65757).

For your information – Some posts on Rancho Cucamonga City Facebook pages –

Equestrian Centers in the Foothills

New Urban Realty Advisors Inc

Here are a few of other Equestrian Centers in other foothill communities. In some cases, citizens needed to ban together to hire a lawyer to keep their cities from high-density development in place of horse trails and Equestrian Centers. In other cases, the cities were very supportive of Equestrian Centers and the activities and quality of life these centers bring to all in the city. Check out the following websites to see what Rancho City Council is trying to deny to Rancho citizens in this high fire risk, flood plane, earthquake fault foothill area above Day Creek and Milliken. Rancho's General Plan and Specific Plan now call for new Etiwanda Equestrian Center. According to Alta Loma Riding Club officers, City already has the money to build the new Etiwanda Equestrian Center from "equestrian mitigation" activity of the past. The money is suppose to be in a City account.

The video is of a former Alta Loma High School teacher who lives in the San Dimas area and owns horses.

Rainbow Canyon Equestrian Ranch, Azusa

<https://www.rainbowcanyonranch.com>

Marshall Canyon Equestrian Center

<http://marshallcyn.com/hours-and-directions/>

West Covina Equestrian Center

<http://www.westcovina.org/.../community-rec.../equestrian-center>

Rancho's Planning Department employs 10 planners plus office helpers.

Planning Department's Mission Statement -- "We are committed to energizing the foundational Vision of the Community by implementing the goals and policies of the GENERAL PLAN that keeps Rancho Cucamonga a complete city in which to live, work, and play." And "We endeavor to preserve our heritage and respect our historical culture so that our past is not forgotten."

The Planning Department's 10 planners is the group that drew up the design for the Annex Project land — "village" of 3,800 high-density condos/apartments/commercial — completely trashing Rancho's GENERAL PLAN of homes, horse trails, new Etiwanda Equestrian Center (for which the City now holds the funds to build), and new Regional Park — and completely trashing Rancho's historical culture of equestrian development for the high-fire risk foothills (per Heritage Park and white-fence trails leading up to the foothills — of which the GENERAL PLAN continues into these foothills).

What problem is causing Planning Department's gap between MISSION (follow General Plan) and ANNEX DESIGN (trash General Plan)? Any ideas?

I would like to offer the idea that Rancho is leaving the days of expansion and entering the days of maturity and maintenance. Rancho needs to tighten its budget and city-staff belt and adjust from city expansion to city maturity and maintenance — focus on improving quality of life for current residents. If Rancho's 10 planners are looking for things to plan to keep busy, can some move to Cherry Valley, Barstow, and Banning to help these open spaces plan development — instead of planning Rancho into Los Angeles? A thinker in our community once commented, "Lay off 10 city workers, then we can fund Central Park." Is it time for residents of Rancho to take charge and help the Mayor, City Council, and City Manager make this difficult turn — help our leaders turn Rancho's budget and staffing from expansion-mode to maturity/maintenance mode? Is our quality of life in danger if residents don't help Rancho make this difficult turn now? Your ideas welcomed!

https://www.cityofrc.us/cityhall/planning/about_us.asp

California Law for City General Plans & City Annexations

Local Government Role In Planning & Regulating Land Use (LAFCOs)

Current Rancho General Plan = Constitution for All Future Development

California State Law, Page 5: Through legislation and case law, the city General Plan has assumed the status of the "constitution for all future development" (Citizens of Goleta Valley v. Board of Supervisors of the County of Santa Barbara (1990) 52 Cal.3d 553). As a result, most local land use decision-making now requires consistency with the city General Plan.

California State Law, Page 16: A city must prezone unincorporated territory that the city expects to annex in the future, or present evidence satisfactory to LAFCO that the existing development entitlements on the territory are vested (kept) and are "consistent" with the city's General Plan. (Rancho's General Plan for proposed Annex land is

New Urban Realty Advisors Inc

surrounded by Equestrian/Rural Overlay zone calling for homes, horses, trails, new Etiwanda Equestrian Center – therefore, not “consistent” with high density, commercial zone.)

Court Case Example: In order to be effective, the rezoning before annexation must be consistent with the city General Plan. In at least one instance, the Appellate Court upheld a LAFCO’s authority to deny an annexation where a city had rezoned a site agricultural, but where the “ultimate intended use” as represented on the city General Plan was residential and industrial. The conversion to agricultural land had conflicted with LAFCO policy. (City of Santa Clara v. LAFCO (1983) 139 Cal. App.3d 923). (Rancho is trying to prezone Annex land as high density/commercial, when the ultimate intended use as represented by Rancho General Plan is surrounded by Equestrian/Rural Overlay of homes/horses/trails and new Etiwanda Equestrian Center.)

Why has City Council not followed Rancho General Plan, our constitution for all future development, for Annex land? What changes to Rancho General Plan, our “constitution for all future developments,” is City Council intending to perform that is buried within this Annex vote, without transparency to and input from residents? Can residents see please?

http://www.opr.ca.gov/.../LAFCOs_GeneralPlans_City_Annexation...

MAP is Rancho City’s Etiwanda North Specific Plan (now consistent with Rancho General Plan) includes homes, horses, trails, and new Etiwanda Equestrian Center (Equestrian Mitigation Funds currently held by City are to pay for Etiwanda Equestrian Center). MAP and Rancho General Plan, our “constitution for all future development,” will be changed forever by City Council members with one Annex vote? Horses will be zoned out?

<https://www.cityofrc.us/civicax/filebank/blobdload.aspx...>

City Council Connects with John Lennon

I spent 31 years researching labor law when a work experience teacher at Alta Loma HS. I enjoy researching. So, instead of watching “my button is bigger than your button” news, I read documents provided by Public Request from Rancho City Clerk. Last night I read Staff Report, May 2015, “Consideration to Execute a Professional Services Agreement with Sargent Town Planning.” I did what is called today LOL. City staff admits in a cute way that the Rancho General Plan was intentionally ignored so that City staff could “re-imagine.” From this document:

In 2005, City Council signed a contract with Michael Brandman Assoc. to design development of annex of Rancho’s North Eastern Sphere Annex project (same land as today’s Annex Project land). In 2005, the project contract was to annex about 4,000 acres into the City limits CONSISTENT WITH CITY’S GENERAL PLAN with large portion of Etiwanda North Specific Plan to be pre-zoned IN CONFORMANCE WITH THE EXISTING CITY’S GENERAL PLAN. “In Oct 2006, this project was placed on hold based on a request by San Bernardino County.”

The 2015 Annex Project developers were selected by Planning, Engineering, Fire, and City Manager’s Office. Sargent Town Planning (with its 7 company “team”) was selected for cost of \$1,361,956 (with ups and extras to about \$2 million by 2018). City document says: The current project proposal REIMAGINES the annexation area with a portion remaining as open space or limited development. However, 1,200 acres is ENVISIONED to be developed as a vibrant residential “village” with neighborhood services (3,800 condos/apts/commercial). . .

There you have it folks. In 2005, City staff contracted with developers to design Annex Project land “consistent with City’s General Plan” and “in conformance with the existing City’s General Plan.” San Bernardino County placed Rancho’s annex and development “on hold.”

But in 2015 we have City staff meeting to “REIMAGINE” and “ENVISION” an altered Rancho General Plan and paying developers about \$2 million to put “reimagine” in Annex Project design.

How did Rancho’s General Plan come to be law – Rancho’s “development constitution”? In the past, hundreds of Rancho stakeholder groups and residents meet together and decided as community what is Rancho’s development future and passed the Rancho General Plan into law.

Being of the 60s and while reading, I suddenly had the vision of City staff sitting in a circle with legs crossed passing a peace pipe to seal the contract with Sargent singing John Lennon’s song: Imagining there’s no General Plan. It’s easy if you try. No equestrians below us; above us only “I.” Imagine all the developers living for today. Imagine there no Specific Plan. It isn’t hard to do. Nothing to follow or pay for; and no horse trails too. Imagine all the people living in condos anew. You may say I’m a dreamer. But I’m not the only one. I hope some day residents will join us. And congestion will be as one.

New Urban Realty Advisors Inc

Some are encouraging that City Council vote “yes” on Annex, and that these imaginary details can be ironed out later by residents jumping through a process that City staff sets up. Residents have lived through “we need to pass it so that we can read it” times. I would offer that options include: 1) Tell developers to go back to the drawing board to design 2018 Annex Project consistent with Rancho General Plan. 2) City staff meets with community stakeholder groups and residents to update the Rancho General Plan with community “imagination.” Then, once Rancho General Plan is updated with community stakeholder groups and residents participation, hire developers to design Annex Project consistent with this new Rancho General Plan.

My questions: Why was annex and development placed on hold due to San Bernardino County’s request in 2005? Why is San Bernardino County pushing for annex and development today? Some of you smarter folks may know the answers.

I, too, have a vision from teaching Rancho’s students for 31 years. Rancho General Plan will serve the entire community. Kids who live in condos/apartments will be able to go see Horse Shows in the new Etiwanda Equestrian Center (I am told that City currently holds funds to build because of past Equestrian Mitigation). I see so many beautiful leashed dogs on horse trails near my home. Rancho can have Dog Shows with best of breed awards. We can have Cat Shows to show how our beautiful kitties and cats are leashed trained. We can have Pygmy Goats or Rabbit Shows. All Rancho kids and teens will profit mentally and emotionally from training animals and participating in outdoor activities that families crammed in condos cannot provide. I request that Rancho residents work together to prevent “reimagine vision” and save our Rancho General Plan. It is good; very good. Also, high fire risk, mountain flood plane, earthquake fault land is best suited to low density equestrian use. (Please correct any of my research if I am wrong!)

Coming Soon

For your information – Rancho residents are now forming Rancho Cucamonga Preservation Coalition to save our city from City Council and Planning Department turning us into Los Angeles in violation of the General Plan. Website, lawyer, and hopefully new council members and mayor coming soon.



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

January 25, 2018

VIA US MAIL AND EMAIL

Mr. Tom Grahm
City of Rancho Cucamonga
Community Development Department
Planning Department
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Dear Mr. Grahm:

Revised Notice of Preparation of a
Draft Environmental Impact Report for the North Eastern Sphere Annexation Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the revised Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the North Eastern Sphere Annexation Project (Project). The city of Rancho Cucamonga is acting as the Lead Agency under the California Environmental Quality Act (CEQA) for this project. The key components of the proposed project include pre-zoning and annexation of approximately 4,088 acres of undeveloped land, reorganization of the undeveloped land into the appropriate local jurisdictions, establishment of a habitat conservation program, adoption of the North Eastern Sphere Annexation Specific Plan for development (single family homes, schools, open space designation), and other administrative activities related to the proposed project. This letter contains Metropolitan's response to the Public Notice as an affected public agency.

Metropolitan reviewed the project description of the proposed project to determine the proximity of its facilities within the project area. We determine the proposed project is partially within Metropolitan's service area. The proposed project site south of Decliff Drive and along the base of the San Gabriel Mountains is within Metropolitan's member agency, Inland Empire Utilities Agency's (IEUA), boundaries. The area north of Decliff Drive is not currently within Metropolitan's service area and will need to be annexed prior to water being served. If the parcel ever develops and is to receive imported water it is to annex to Metropolitan and IEUA. Metropolitan is a responsible agency with respect to the annexation and needs to be listed in the agency approval list related to EIR actions.

The Draft EIR needs to include in the project description a brief statement on the proposed annexation to Metropolitan, IEUA, and San Bernardino LAFCO, including water standby charges, establishment of a habitat conservation program, and other required conditions for annexation. Then, in the appropriate impact section (e.g., water supplies or utilities), there needs to be an analysis of this proposed annexation so that Metropolitan and others can rely on the EIR

for their own discretionary actions. We encourage the city to work with Metropolitan, IEUA, and San Bernardino LAFCO on annexation procedures by contacting Ethel Young at (213) 217-7677.

Additionally, Metropolitan owns and operates a pipeline and associated facilities within the boundaries of the proposed project location. Metropolitan's Rialto Pipeline, is a 96-inch-inside-diameter pre-stressed concrete pipe with appurtenant Service Connections CB-13 and -15, manhole structures, and accompanying varied fee and permanent easement rights-of-way, run along Banyan Street through the project's Development Priority Area and through San Sevaine Creek in the Conservation Priority Area, within the city of Rancho Cucamonga. Please see the attached map for locations of Metropolitan's pipeline alignment.

Metropolitan is concerned with potential impacts to these pipeline facilities that may result from future excavation, construction, utilities, or any redevelopment activities under the proposed Project. Development and redevelopment associated with the proposed Project must not restrict any of Metropolitan's day-to-day operations and/or access to its facilities. Detailed prints of drawings of Metropolitan's pipeline and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-7663. To assist in preparing plans that are compatible with Metropolitan's facilities, easements, and properties, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or easements of The Metropolitan Water District of Southern California." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

We encourage projects within its service area to include water conservation measures. While Metropolitan continues to build new supplies and develop means for more efficient use of current system. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

We appreciate the opportunity to provide input to your planning process and look forward to receiving the Draft EIR and future environmental documentation on this Project. If we can be of further assistance, please contact Ms. Brenda S. Marines at (213) 217-7902.

Very truly yours,



Vikki Dee Bradshaw
Team Manager, Environmental Planning Section

Mr. Tom Grahm
Page 3
January 25, 2018

Enclosures:

- 1.Guidelines
- 2.North Eastern Sphere Annexation Project Map

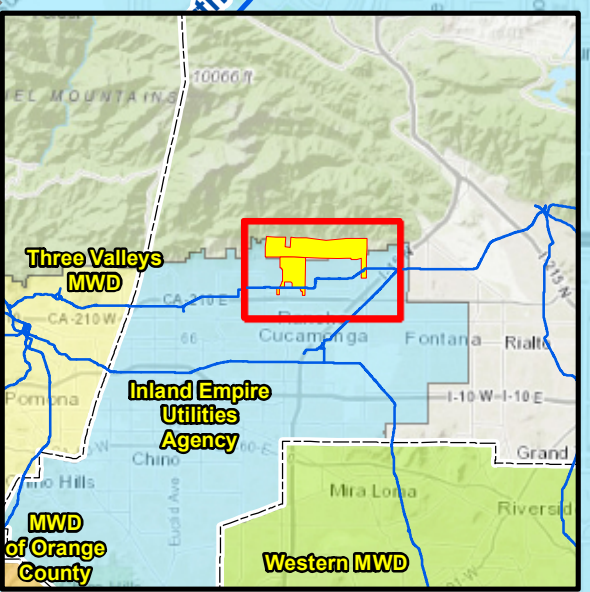
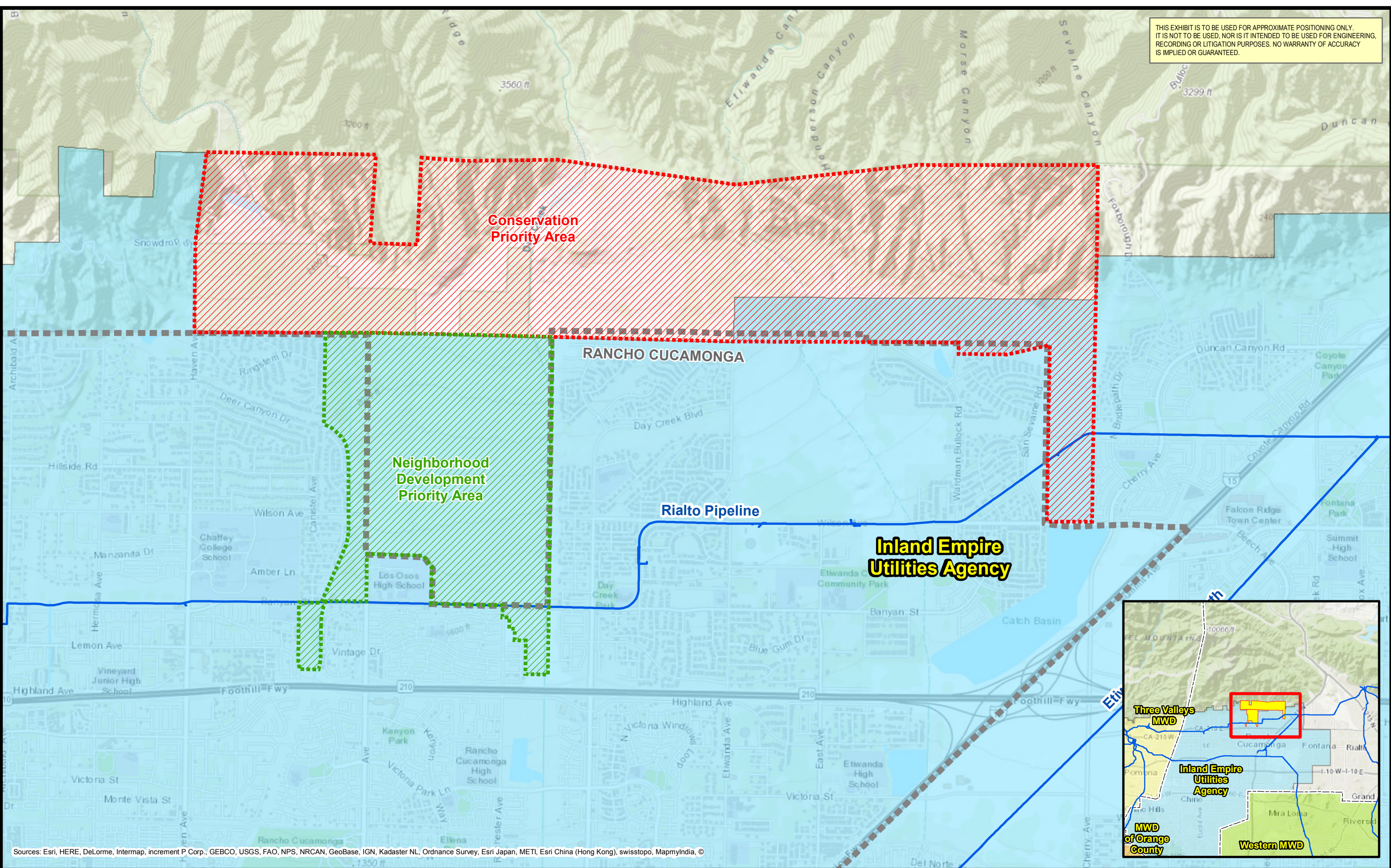
cc:

San Bernardino LAFCO
Kathy McDonald, Executive Officer
kmcdonald@lafco.sbcounty.gov

Inland Empire Utilities Agency
Ken Tam, Senior Associate Engineer
ktam@ieua.org

THIS EXHIBIT IS TO BE USED FOR APPROXIMATE POSITIONING ONLY. IT IS NOT TO BE USED, NOR IS IT INTENDED TO BE USED FOR ENGINEERING, RECORDING OR LITIGATION PURPOSES. NO WARRANTY OF ACCURACY IS IMPLIED OR GUARANTEED.

\\slrapp01\CR\ESR\Engineering\TP\Projects\Annexations\GIS\San_Bernardino\SanBernardino\NorthEasternSphereAnnexation.mxd [Printed 1/22/2018] Photography Date: Esri Prepared by: Enrique Chen (Geodetics & Mapping Team) Checked by: Ethel Young Job#: GIS18-01-04



Guidelines for Developments in the
Area of Facilities, Fee Properties, and/or Easements
of The Metropolitan Water District of Southern California

1. Introduction

a. The following general guidelines should be followed for the design of proposed facilities and developments in the area of Metropolitan's facilities, fee properties, and/or easements.

b. We require that 3 copies of your tentative and final record maps, grading, paving, street improvement, landscape, storm drain, and utility plans be submitted for our review and written approval as they pertain to Metropolitan's facilities, fee properties and/or easements, prior to the commencement of any construction work.

2. Plans, Parcel and Tract Maps

The following are Metropolitan's requirements for the identification of its facilities, fee properties, and/or easements on your plans, parcel maps and tract maps:

a. Metropolitan's fee properties and/or easements and its pipelines and other facilities must be fully shown and identified as Metropolitan's on all applicable plans.

b. Metropolitan's fee properties and/or easements must be shown and identified as Metropolitan's with the official recording data on all applicable parcel and tract maps.

c. Metropolitan's fee properties and/or easements and existing survey monuments must be dimensionally tied to the parcel or tract boundaries.

d. Metropolitan's records of surveys must be referenced on the parcel and tract maps.

3. Maintenance of Access Along Metropolitan's Rights-of-Way

a. Proposed cut or fill slopes exceeding 10 percent are normally not allowed within Metropolitan's fee properties or easements. This is required to facilitate the use of construction and maintenance equipment, and provide access to its aboveground and belowground facilities.

b. We require that 16-foot-wide commercial-type driveway approaches be constructed on both sides of all streets crossing Metropolitan's rights-of-way. Openings are required in any median island. Access ramps, if necessary, must be at least 16-foot-wide. Grades of ramps are normally not allowed to exceed 10 percent. If the slope of an access ramp must exceed 10 percent due to the topography, the ramp must be paved. We require a 40-foot-long level area on the driveway approach to access ramps where the ramp meets the street. At Metropolitan's fee properties, we may require fences and gates.

c. The terms of Metropolitan's permanent easement deeds normally preclude the building or maintenance of structures of any nature or kind within its easements, to ensure safety and avoid interference with operation and maintenance of Metropolitan's pipelines or other facilities. Metropolitan must have vehicular access along the easements at all times for inspection, patrolling, and for maintenance of the pipelines and other facilities on a routine basis. We require a 20-foot-wide clear zone around all above-ground facilities for this routine access. This clear zone should slope away from our facility on a grade not to exceed 2 percent. We must also have access along the easements with construction equipment. An example of this is shown on Figure 1.

d. The footings of any proposed buildings adjacent to Metropolitan's fee properties and/or easements must not encroach into the fee property or easement or impose additional loading on Metropolitan's pipelines or other facilities therein. A typical situation is shown on Figure 2. Prints of the detail plans of the footings for any building or structure adjacent to the fee property or easement must be submitted for our review and written approval as they pertain to the pipeline or other facilities therein. Also, roof eaves of buildings adjacent to the easement or fee property must not overhang into the fee property or easement area.

e. Metropolitan's pipelines and other facilities, e.g. structures, manholes, equipment, survey monuments, etc. within its fee properties and/or easements must be protected from damage by the easement holder on Metropolitan's property or the property owner where Metropolitan has an easement, at no expense to Metropolitan. If the facility is a cathodic protection station it shall be located prior to any grading or excavation. The exact location, description and way of protection shall be shown on the related plans for the easement area.

4. Easements on Metropolitan's Property

a. We encourage the use of Metropolitan's fee rights-of-way by governmental agencies for public street and utility purposes, provided that such use does not interfere with Metropolitan's use of the property, the entire width of the property is accepted into the agency's public street system and fair market value is paid for such use of the right-of-way.

b. Please contact the Director of Metropolitan's Right of Way and Land Division, telephone (213) 250-6302, concerning easements for landscaping, street, storm drain, sewer, water or other public facilities proposed within Metropolitan's fee properties. A map and legal description of the requested easements must be submitted. Also, written evidence must be submitted that shows the city or county will accept the easement for the specific purposes into its public system. The grant of the easement will be subject to Metropolitan's rights to use its land for water pipelines and related purposes to the same extent as if such grant had not been made. There will be a charge for the easement. Please note that, if entry is required on the property prior to issuance of the easement, an entry permit must be obtained. There will also be a charge for the entry permit.

5. Landscaping

Metropolitan's landscape guidelines for its fee properties and/or easements are as follows:

a. A green belt may be allowed within Metropolitan's fee property or easement.

b. All landscape plans shall show the location and size of Metropolitan's fee property and/or easement and the location and size of Metropolitan's pipeline or other facilities therein.

c. Absolutely no trees will be allowed within 15 feet of the centerline of Metropolitan's existing or future pipelines and facilities.

d. Deep-rooted trees are prohibited within Metropolitan's fee properties and/or easements. Shallow-rooted trees are the only trees allowed. The shallow-rooted trees will not be permitted any closer than 15 feet from the centerline of the pipeline, and such trees shall not be taller than 25 feet with a root spread no greater than 20 feet in diameter at maturity. Shrubs, bushes, vines, and ground cover are permitted, but larger shrubs and bushes should not be planted directly over our pipeline. Turf is acceptable. We require submittal of landscape plans for Metropolitan's prior review and written approval. (See Figure 3).

e. The landscape plans must contain provisions for Metropolitan's vehicular access at all times along its rights-of-way to its pipelines or facilities therein. Gates capable of accepting Metropolitan's locks are required in any fences across its rights-of-way. Also, any walks or drainage facilities across its access route must be constructed to AASHTO H-20 loading standards.

f. Rights to landscape any of Metropolitan's fee properties must be acquired from its Right of Way and Land Division. Appropriate entry permits must be obtained prior to any entry on its property. There will be a charge for any entry permit or easements required.

6. Fencing

Metropolitan requires that perimeter fencing of its fee properties and facilities be constructed of universal chain link, 6 feet in height and topped with 3 strands of barbed wire angled upward and outward at a 45 degree angle or an approved equal for a total fence height of 7 feet. Suitable substitute fencing may be considered by Metropolitan. (Please see Figure 5 for details).

7. Utilities in Metropolitan's Fee Properties and/or Easements or Adjacent to Its Pipeline in Public Streets

Metropolitan's policy for the alinement of utilities permitted within its fee properties and/or easements and street rights-of-way is as follows:

a. Permanent structures, including catch basins, manholes, power poles, telephone riser boxes, etc., shall not be located within its fee properties and/or easements.

b. We request that permanent utility structures within public streets, in which Metropolitan's facilities are constructed under the Metropolitan Water District Act, be placed as far from our pipeline as possible, but not closer than 5 feet from the outside of our pipeline.

c. The installation of utilities over or under Metropolitan's pipeline(s) must be in accordance with the requirements shown on the enclosed prints of Drawings Nos. C-11632 and C-9547. Whenever possible we request a minimum of one foot clearance between Metropolitan's pipe and your facility. Temporary support of Metropolitan's pipe may also be required at undercrossings of its pipe in an open trench. The temporary support plans must be reviewed and approved by Metropolitan.

d. Lateral utility crossings of Metropolitan's pipelines must be as perpendicular to its pipeline alignment as practical. Prior to any excavation our pipeline shall be located manually and any excavation within two feet of our pipeline must be done by hand. This shall be noted on the appropriate drawings.

e. Utilities constructed longitudinally within Metropolitan's rights-of-way must be located outside the theoretical trench prism for uncovering its pipeline and must be located parallel to and as close to its rights-of-way lines as practical.

f. When piping is jacked or installed in jacked casing or tunnel under Metropolitan's pipe, there must be at least two feet of vertical clearance between the bottom of Metropolitan's pipe and the top of the jacked pipe, jacked casing or tunnel. We also require that detail drawings of the shoring for the jacking or tunneling pits be submitted for our review and approval. Provisions must be made to grout any voids around the exterior of the jacked pipe, jacked casing or tunnel. If the piping is installed in a jacked casing or tunnel the annular space between the piping and the jacked casing or tunnel must be filled with grout.

g. Overhead electrical and telephone line requirements:

- 1) Conductor clearances are to conform to the California State Public Utilities Commission, General Order 95, for Overhead Electrical Line Construction or at a greater clearance if required by Metropolitan. Under no circumstances shall clearance be less than 35 feet.
- 2) A marker must be attached to the power pole showing the ground clearance and line voltage, to help prevent damage to your facilities during maintenance or other work being done in the area.
- 3) Line clearance over Metropolitan's fee properties and/or easements shall be shown on the drawing to indicate the lowest point of the line under the most adverse conditions including consideration of sag, wind load, temperature change, and support type. We require that overhead lines be located at least 30 feet laterally away from all above-ground structures on the pipelines.
- 4) When underground electrical conduits, 120 volts or greater, are installed within Metropolitan's fee property and/or easement, the conduits must be incased in a minimum of three inches of red concrete. Where possible, above ground warning signs must also be placed at the right-of-way lines where the conduits enter and exit the right-of-way.

h. The construction of sewerlines in Metropolitan's fee properties and/or easements must conform to the California Department of Health Services Criteria for the Separation of Water Mains and Sanitary Services and the local City or County Health Code Ordinance as it relates to installation of sewers in the vicinity of pressure waterlines. The construction of sewerlines should also conform to these standards in street rights-of-way.

i. Cross sections shall be provided for all pipeline crossings showing Metropolitan's fee property and/or easement limits and the location of our pipeline(s). The exact locations of the crossing pipelines and their elevations shall be marked on as-built drawings for our information.

j. Potholing of Metropolitan's pipeline is required if the vertical clearance between a utility and Metropolitan's pipeline is indicated on the plan to be one foot or less. If the indicated clearance is between one and two feet, potholing is suggested. Metropolitan will provide a representative to assist others in locating and identifying its pipeline. Two-working days notice is requested.

k. Adequate shoring and bracing is required for the full depth of the trench when the excavation encroaches within the zone shown on Figure 4.

l. The location of utilities within Metropolitan's fee property and/or easement shall be plainly marked to help prevent damage during maintenance or other work done in the area. Detectable tape over buried utilities should be placed a minimum of 12 inches above the utility and shall conform to the following requirements:

1) Water pipeline: A two-inch blue warning tape shall be imprinted with:

"CAUTION BURIED WATER PIPELINE"

2) Gas, oil, or chemical pipeline: A two-inch yellow warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

3) Sewer or storm drain pipeline: A two-inch green warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

4) Electric, street lighting, or traffic signals conduit: A two-inch red warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

5) Telephone, or television conduit: A two-inch orange warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

m. Cathodic Protection requirements:

1) If there is a cathodic protection station for Metropolitan's pipeline in the area of the proposed work, it shall be located prior to any grading or excavation. The exact location, description and manner of protection shall be shown on all applicable plans. Please contact Metropolitan's Corrosion Engineering Section, located at Metropolitan's F. E. Weymouth Softening and Filtration Plant, 700 North Moreno Avenue, La Verne, California 91750, telephone (714) 593-7474, for the locations of Metropolitan's cathodic protection stations.

2) If an induced-current cathodic protection system is to be installed on any pipeline crossing Metropolitan's pipeline, please contact Mr. Wayne E. Risner at (714) 593-7474 or (213) 250-5085. He will review the proposed system and determine if any conflicts will arise with the existing cathodic protection systems installed by Metropolitan.

3) Within Metropolitan's rights-of-way, pipelines and carrier pipes (casings) shall be coated with an approved protective coating to conform to Metropolitan's requirements, and shall be maintained in a neat and orderly condition as directed by Metropolitan. The application and monitoring of cathodic protection on the pipeline and casing shall conform to Title 49 of the Code of Federal Regulations, Part 195.

4) If a steel carrier pipe (casing) is used:

(a) Cathodic protection shall be provided by use of a sacrificial magnesium anode (a sketch showing the cathodic protection details can be provided for the designers information).

(b) The steel carrier pipe shall be protected with a coal tar enamel coating inside and out in accordance with AWWA C203 specification.

n. All trenches shall be excavated to comply with the CAL/OSHA Construction Safety Orders, Article 6, beginning with Sections 1539 through 1547. Trench backfill shall be placed in 8-inch lifts and shall be compacted to 95 percent relative compaction (ASTM D698) across roadways and through protective dikes. Trench backfill elsewhere will be compacted to 90 percent relative compaction (ASTM D698).

o. Control cables connected with the operation of Metropolitan's system are buried within streets, its fee properties and/or easements. The locations and elevations of these cables shall be shown on the drawings. The drawings shall note that prior to any excavation in the area, the control cables shall be located and measures shall be taken by the contractor to protect the cables in place.

p. Metropolitan is a member of Underground Service Alert (USA). The contractor (excavator) shall contact USA at 1-800-422-4133 (Southern California) at least 48 hours prior to starting any excavation work. The contractor will be liable for any damage to Metropolitan's facilities as a result of the construction.

8. Paramount Right

Facilities constructed within Metropolitan's fee properties and/or easements shall be subject to the paramount right of Metropolitan to use its fee properties and/or easements for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove any of the facilities from the fee properties and/or easements, such removal and replacement shall be at the expense of the owner of the facility.

9. Modification of Metropolitan's Facilities

When a manhole or other of Metropolitan's facilities must be modified to accommodate your construction or reconstruction, Metropolitan will modify the facilities with its forces. This should be noted on the construction plans. The estimated cost to perform this modification will be given to you and we will require a deposit for this amount before the work is performed. Once the deposit is received, we will schedule the work. Our forces will coordinate the work with your contractor. Our final billing will be based on actual cost incurred, and will include materials, construction, engineering plan review, inspection, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount.

10. Drainage

a. Residential or commercial development typically increases and concentrates the peak storm water runoff as well as the total yearly storm runoff from an area, thereby increasing the requirements for storm drain facilities downstream of the development. Also, throughout the year water from landscape irrigation, car washing, and other outdoor domestic water uses flows into the storm drainage system resulting in weed abatement, insect infestation, obstructed access and other problems. Therefore, it is Metropolitan's usual practice not to approve plans that show discharge of drainage from developments onto its fee properties and/or easements.

b. If water must be carried across or discharged onto Metropolitan's fee properties and/or easements, Metropolitan will insist that plans for development provide that it be carried by closed conduit or lined open channel approved in writing by Metropolitan. Also the drainage facilities must be maintained by others, e.g., city, county, homeowners association, etc. If the development proposes changes to existing drainage features, then the developer shall make provisions to provide for replacement and these changes must be approved by Metropolitan in writing.

11. Construction Coordination

During construction, Metropolitan's field representative will make periodic inspections. We request that a stipulation be added to the plans or specifications for notification of Mr. _____ of Metropolitan's Operations Services Branch, telephone (213) 250-_____, at least two working days prior to any work in the vicinity of our facilities.

12. Pipeline Loading Restrictions

a. Metropolitan's pipelines and conduits vary in structural strength, and some are not adequate for AASHTO H-20 loading. Therefore, specific loads over the specific sections of pipe or conduit must be reviewed and approved by Metropolitan. However, Metropolitan's pipelines are typically adequate for AASHTO H-20 loading provided that the cover over the pipeline is not less than four feet or the cover is not substantially increased. If the temporary cover over the pipeline during construction is between three and four feet, equipment must be restricted to that which

imposes loads no greater than AASHTO H-10. If the cover is between two and three feet, equipment must be restricted to that of a Caterpillar D-4 tract-type tractor. If the cover is less than two feet, only hand equipment may be used. Also, if the contractor plans to use any equipment over Metropolitan's pipeline which will impose loads greater than AASHTO H-20, it will be necessary to submit the specifications of such equipment for our review and approval at least one week prior to its use. More restrictive requirements may apply to the loading guideline over the San Diego Pipelines 1 and 2, portions of the Orange County Feeder, and the Colorado River Aqueduct. Please contact us for loading restrictions on all of Metropolitan's pipelines and conduits.

b. The existing cover over the pipeline shall be maintained unless Metropolitan determines that proposed changes do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance.

13. Blasting

a. At least 20 days prior to the start of any drilling for rock excavation blasting, or any blasting, in the vicinity of Metropolitan's facilities, a two-part preliminary conceptual plan shall be submitted to Metropolitan as follows:

b. Part 1 of the conceptual plan shall include a complete summary of proposed transportation, handling, storage, and use of explosions.

c. Part 2 shall include the proposed general concept for blasting, including controlled blasting techniques and controls of noise, fly rock, airblast, and ground vibration.

14. CEQA Requirements

a. When Environmental Documents Have Not Been Prepared

1) Regulations implementing the California Environmental Quality Act (CEQA) require that Metropolitan have an opportunity to consult with the agency or consultants preparing any environmental documentation. We are required to review and consider the environmental effects of the project as shown in the Negative Declaration or Environmental Impact Report (EIR) prepared for your project before committing Metropolitan to approve your request.

2) In order to ensure compliance with the regulations implementing CEQA where Metropolitan is not the Lead Agency, the following minimum procedures to ensure compliance with the Act have been established:

a) Metropolitan shall be timely advised of any determination that a Categorical Exemption applies to the project. The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

b) Metropolitan is to be consulted during the preparation of the Negative Declaration or EIR.

c) Metropolitan is to review and submit any necessary comments on the Negative Declaration or draft EIR.

d) Metropolitan is to be indemnified for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

b. When Environmental Documents Have Been Prepared

If environmental documents have been prepared for your project, please furnish us a copy for our review and files in a timely manner so that we may have sufficient time to review and comment. The following steps must also be accomplished:

1) The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

2) You must agree to indemnify Metropolitan, its officers, engineers, and agents for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

15. Metropolitan's Plan-Review Cost

a. An engineering review of your proposed facilities and developments and the preparation of a letter response

giving Metropolitan's comments, requirements and/or approval that will require 8 man-hours or less of effort is typically performed at no cost to the developer, unless a facility must be modified where Metropolitan has superior rights. If an engineering review and letter response requires more than 8 man-hours of effort by Metropolitan to determine if the proposed facility or development is compatible with its facilities, or if modifications to Metropolitan's manhole(s) or other facilities will be required, then all of Metropolitan's costs associated with the project must be paid by the developer, unless the developer has superior rights.

b. A deposit of funds will be required from the developer before Metropolitan can begin its detailed engineering plan review that will exceed 8 hours. The amount of the required deposit will be determined after a cursory review of the plans for the proposed development.

c. Metropolitan's final billing will be based on actual cost incurred, and will include engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount. Additional deposits may be required if the cost of Metropolitan's review exceeds the amount of the initial deposit.

16. Caution

We advise you that Metropolitan's plan reviews and responses are based upon information available to Metropolitan which was prepared by or on behalf of Metropolitan for general record purposes only. Such information may not be sufficiently detailed or accurate for your purposes. No warranty of any kind, either express or implied, is attached to the information therein conveyed as to its accuracy, and no inference should be drawn from Metropolitan's failure to comment on any aspect of your project. You are therefore cautioned to make such surveys and other field investigations as you may deem prudent to assure yourself that any plans for your project are correct.

17. Additional Information

Should you require additional information, please contact:

Civil Engineering Substructures Section
Metropolitan Water District
of Southern California
P.O. Box 54153
Los Angeles, California 90054-0153
(213) 217-6000

JEH/MRW/lk

Rev. January 22, 1989

Encl.

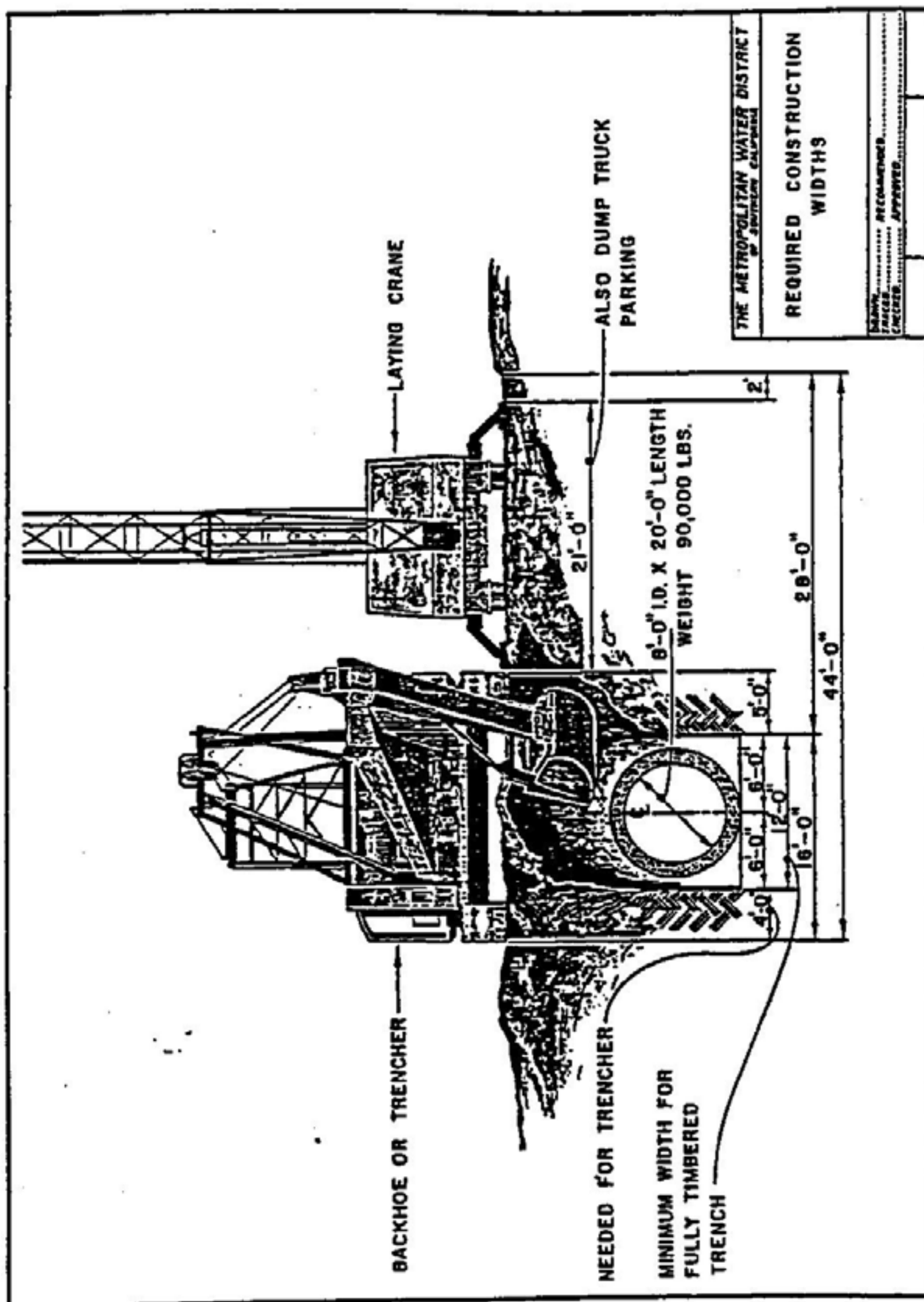
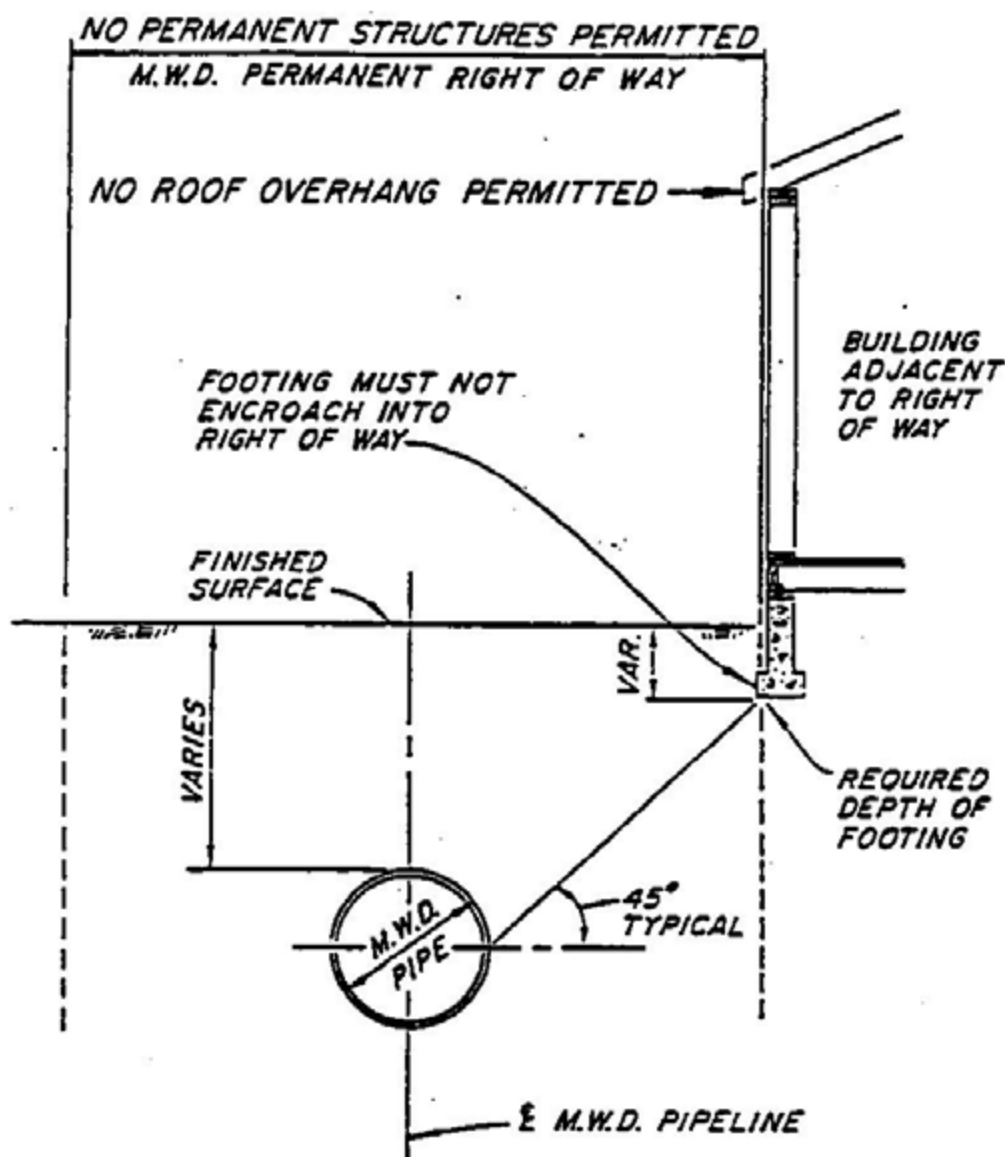


FIGURE 1

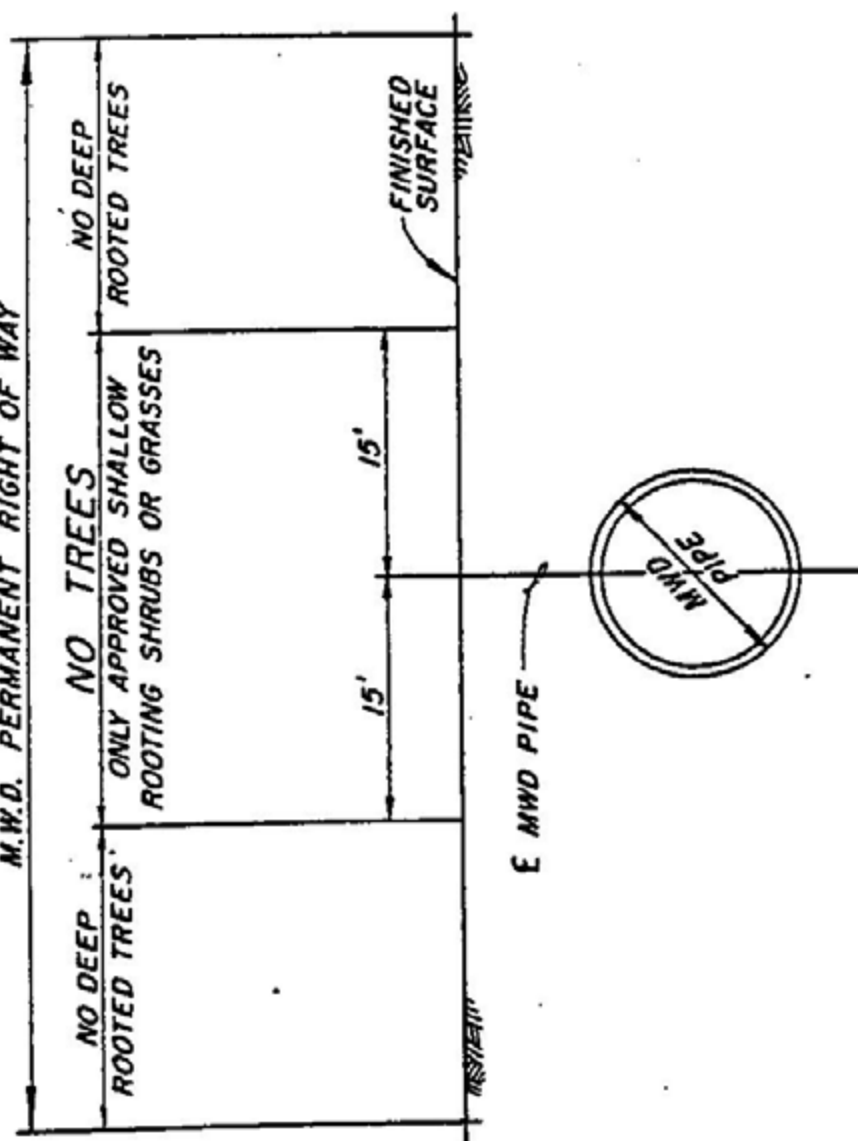


NOTE: M.W.D. PIPELINE SIZE, DEPTH, LOCATION AND WIDTH OF PERMANENT RIGHT OF WAY VARIES.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
REQUIREMENTS FOR BUILDINGS AND FOOTINGS ADJACENT TO M.W.D. RIGHT OF WAY	
DRAWN _____	RECOMMENDED _____
TRACED _____	APPROVED _____
CHECKED _____	DATE _____

FIGURE 2

M.W.D. PERMANENT RIGHT OF WAY



THE METROPOLITAN WATER DISTRICT
OF DENVER

LANDSCAPE GUIDELINES
FOR
M.W.D. RIGHT OF WAY

DESIGNED BY: RECOMMENDED
DRAWN BY: CHECKED BY: APPROVED BY:

FIGURE 3

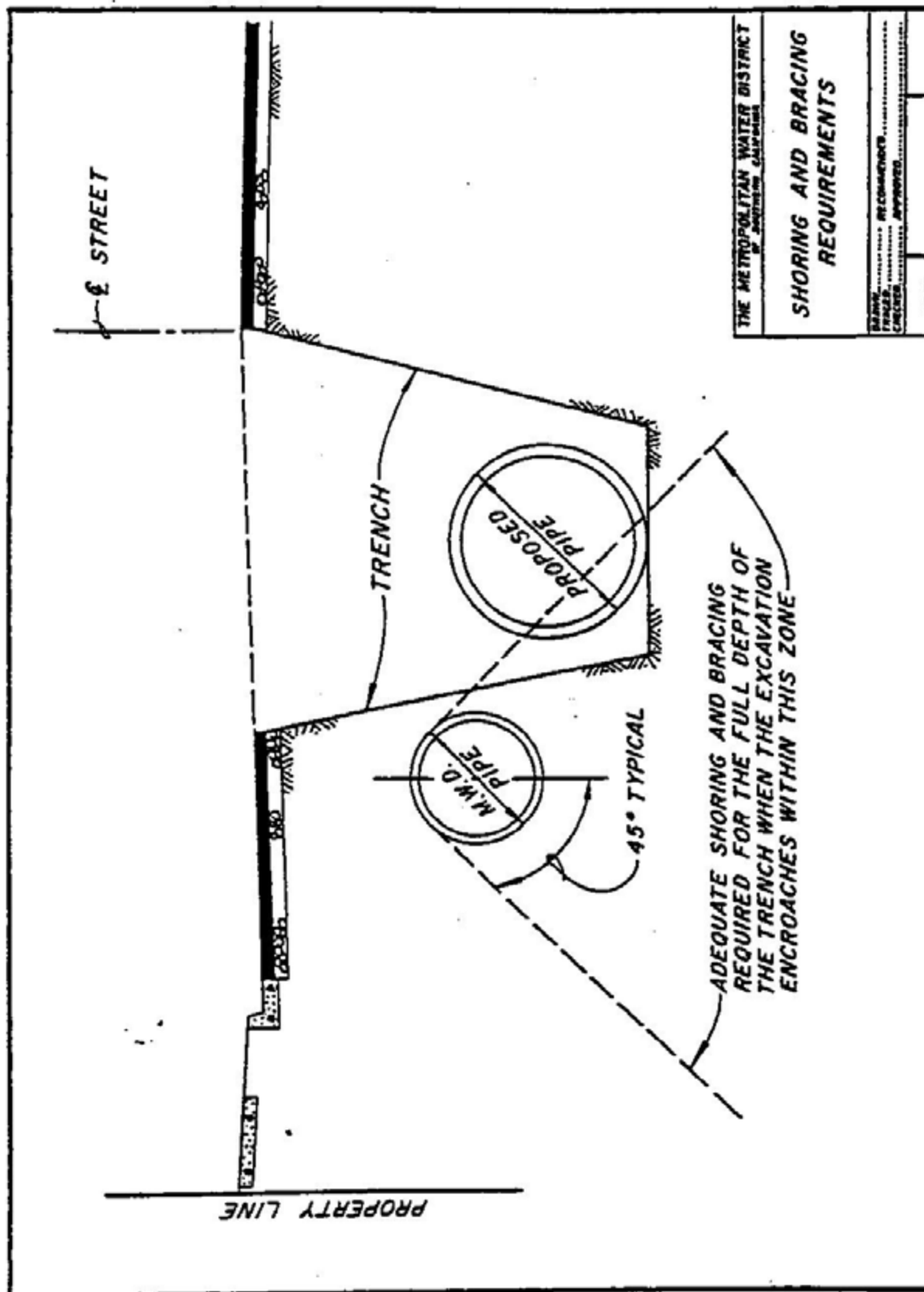
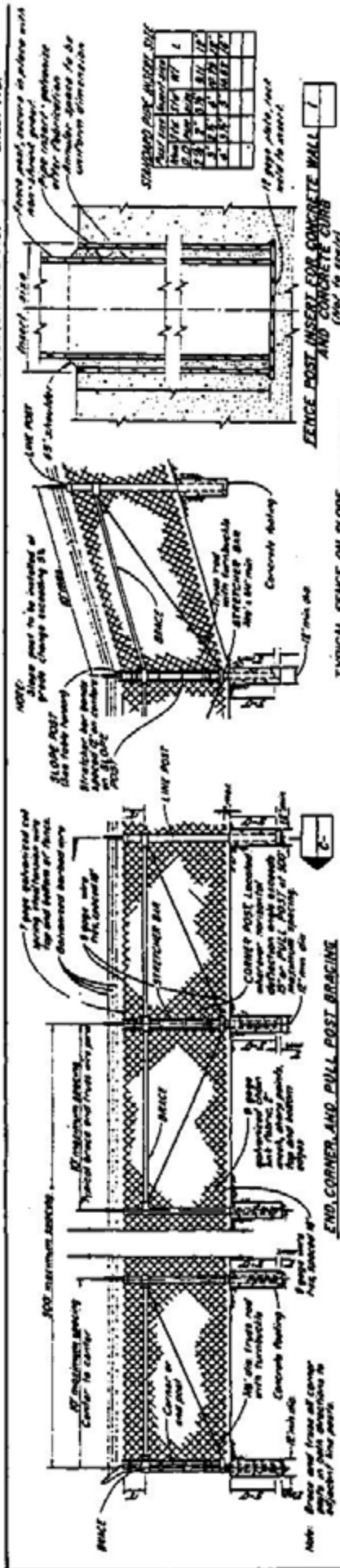
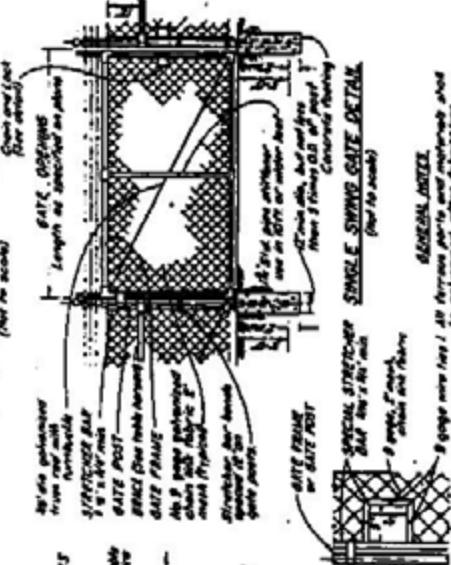


FIGURE 4



Line	Type	Material	Quantity	Unit	Price
1	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
2	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
3	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
4	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
5	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
6	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
7	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
8	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
9	Post	4" x 4" x 10' x 12'	1.00	Each	1.00
10	Post	4" x 4" x 10' x 12'	1.00	Each	1.00

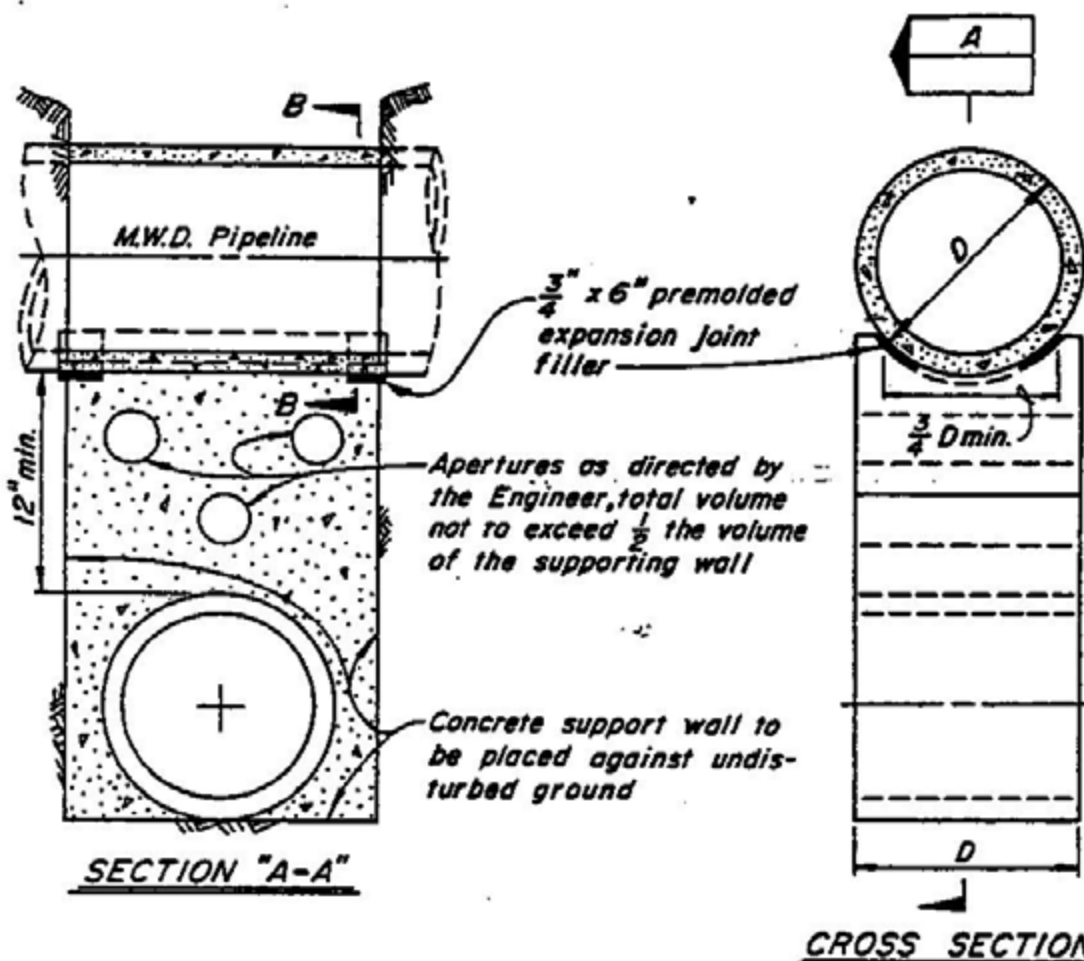


GENERAL NOTES:

1. All dimensions are in feet and inches.
2. All dimensions are to be maintained unless otherwise specified.
3. All dimensions are to be maintained unless otherwise specified.
4. All dimensions are to be maintained unless otherwise specified.
5. All dimensions are to be maintained unless otherwise specified.
6. All dimensions are to be maintained unless otherwise specified.
7. All dimensions are to be maintained unless otherwise specified.
8. All dimensions are to be maintained unless otherwise specified.
9. All dimensions are to be maintained unless otherwise specified.
10. All dimensions are to be maintained unless otherwise specified.

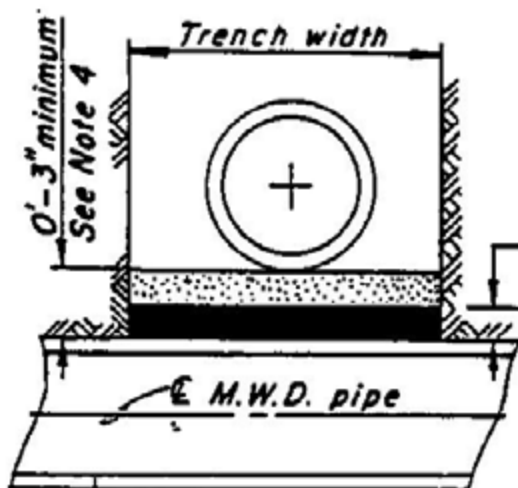


THE METROPOLITAN WATER DISTRICT		CHAIN LINK FENCE DETAILS	
REVISION	DATE	DESCRIPTION	BY
1	10/1/19	Initial Design	J. Smith
2	10/1/19	Revised Design	J. Smith
3	10/1/19	Final Design	J. Smith
4	10/1/19	As Built	J. Smith
5	10/1/19	As Built	J. Smith
6	10/1/19	As Built	J. Smith
7	10/1/19	As Built	J. Smith
8	10/1/19	As Built	J. Smith
9	10/1/19	As Built	J. Smith
10	10/1/19	As Built	J. Smith



1. Supporting wall shall have a firm bearing on the subgrade and against the side of the excavation.
2. Premolded expansion joint filler per ASTM D-1751-73 to be used in support for steel pipe only.
3. If trench width is 4 feet or greater, measured along centerline of M.W.D. pipe, concrete support must be constructed.
4. If trench width is less than 4 feet, clean sand backfill, compacted to 90% density in accordance with the provisions of ASTM Standard D-1557-70 may be used in lieu of the concrete support wall.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
TYPICAL SUPPORT FOR M.W.D. PIPELINE	
DESIGNED	RECOMMENDED
TRACED	APPROVED
CHECKED	
C-9547	



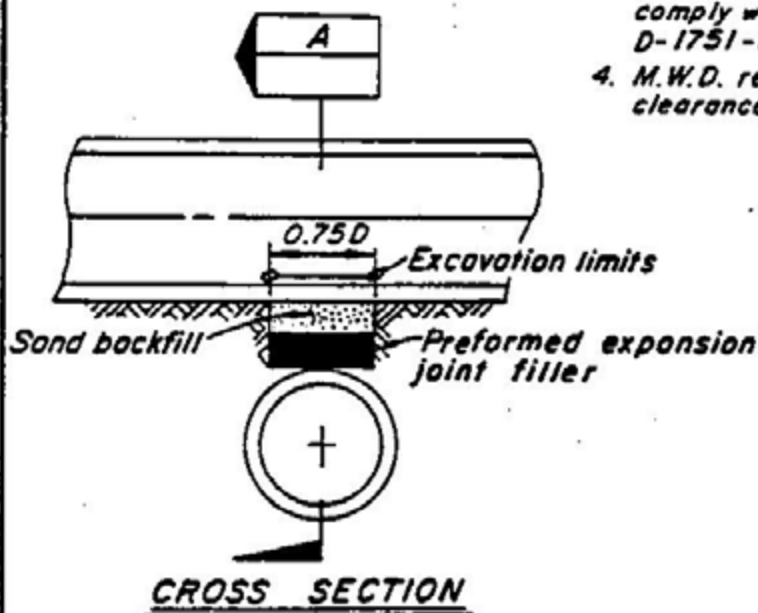
SECTION

4

3" Preformed expansion joint filler

NOTES

1. This method to be used where the utility line is 24" or greater in diameter and the clearance between the utility line and M.W.D. pipe is 12" or less.
2. Special protection may be required if the utility line diameter is greater than M.W.D. pipe or if the cover over the utility line to the street surface is minimal and there is 12" or less clearance between M.W.D. pipe and the utility line.
3. Preformed expansion joint filler to comply with ASTM designation D-1751-73.
4. M.W.D. requests 12" minimum clearance whenever possible.



CROSS SECTION

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

**TYPICAL EXPANSION JOINT
FILLER PROTECTION FOR
OVERTCROSSING OF
M.W.D. PIPELINE**

NAME _____ RECEIVED _____
 PLACE _____
 CHECKED _____

C-11632



January 29, 2018

VIA ELECTRONIC MAIL

Tom Grahm
Planning Department
City of Rancho Cucamonga
10500 Civic Center Dr
Rancho Cucamonga, CA 91730

RE: Notice of Preparation for North Eastern Sphere Annexation Project

Dear Mr. Grahm:

Endangered Habitats League (EHL) appreciates the opportunity to comment. For reference, EHL is a Southern California regional conservation group.

We commend the intent of using creative land use planning to demarcate a Priority Development Area and Priority Conservation Area. Such efforts are much needed in our region. That said, and although it may not fit the project purposes as defined by the City, EHL would support an alternative that acquires the land for conservation purposes, including mitigation.

Our concerns at this time are detailed below.

1. Although it includes some degraded locations, a significant portion of the Priority Development Area contains high quality alluvial fan sage scrub. This is one of the most depleted and sensitive habitats in California. The lost biological functions and values of the Priority Development Area must be compensated for.
2. The proposed project would leave a southerly island of habitat connected narrowly (given edge effects) with the Priority Conservation Area. The proposed project would direct water flows into the Priority Conservation Area through a gap in the existing berm, with the goal of restoring ecological functions for the SBKR. However, it is thoroughly unclear whether restoration of SBKR habitat in the Proposed Conservation Area is likely to be successful, or even, given the historic low abundance of SBKR in these locations, a priority for regional SBKR conservation and expenditure of financial resources. The DEIR should objectively assess the viability and value of the Priority Conservation Area for SBKR. Has there been any similar establishment and persistence of SBKR, and any similar use of redirected water flows? If not, the proposal, while appealing, is speculative. Other, *offsite* options for SBKR mitigation should be provided.

3. Given the above considerations, the DEIR should evaluate an alternative which modifies the development footprint for the Priority Conservation and Development Areas. The modified footprint would consolidate alluvial fan sage scrub into the *most contiguous and connected block* of habitat. This would shift development *into* the southerly island—with appropriate mitigation—and *remove* development in the West Development Area. This alternative should be evaluated with and without redirection of flows. The goal here is to preserve as much alluvial fan sage scrub in the Project Area as possible in a configuration that reduces edge effects and broadens connectivity to the Priority Conservation area.
4. In general, whether the Priority Development Area is reconfigured or not, the development footprint should be reduced in size consistent with project objectives.
5. Both direct and indirect (edge) effects should be disclosed and analyzed.
6. There are no mechanisms proposed to effect permanent conservation within the Priority Conservation Area. Absent such mechanisms there is no real substance to the plan and the Priority Conservation Area cannot serve as project mitigation. Such mechanisms should achieve permanent conservation and should not allow fragmentation of the landscape. Preservation of the upper fan has clear long-term conservation value. It is *essential* to have concrete and enforceable measures that have quantified and guaranteed outcomes.
7. The proposed annexation of the Priority Conservation Area into municipal water district territories is contrary to the stated purpose of conservation. In fact, it is growth inducing and inimical to the stated purpose. The reason for this annexation is unclear. An alternative that does not provide such annexation should be evaluated.
8. The Project Description's inclusion of low density rural housing in the Priority Conservation Area is problematic. While it may prove impossible to achieve 100% conservation, low-density rural development is highly consumptive of land and introduces severe edge effects, large fuel modification zones, and habitat fragmentation. To the extent unavoidable, any residual development should be *consolidated* into least sensitive portions of the site with small disturbance footprints and open space easements over the remainder.
9. The proposed annexation of the Priority Conservation Area into municipal water district territories is contrary to the stated purpose of conservation. In fact, it is growth inducing and inimical to the stated purpose. The reason for this annexation is unclear. A municipal water supply would enable the harmful low-density residential development noted above. This is a huge flaw, and an alternative that does not provide such annexation should be evaluated.

We look forward to further assessment of options for this site and to working with you to see if there can be a good conservation and development outcome.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver", is centered within a light gray rectangular box.

Dan Silver
Executive Director



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



January 29, 2018
Sent via email

Mr. Tom Grahn
Associate Planner
City of Rancho Cucamonga
10500 Civic Center Dr.
Rancho Cucamonga, CA 91730
tom.grahn@cityofrc.us

Subject: Notice of Preparation of a Draft Environmental Impact Report
(RECIRCULATED)
Rancho Cucamonga North Eastern Sphere Annexation Specific Plan
State Clearinghouse No. 2017091027

Dear Mr. Grahn:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Rancho Cucamonga North Eastern Sphere Annexation Specific Plan Project (project) [State Clearinghouse No. 2017091027]. The Department submitted previous comments on the NOP via a letter dated October 10, 2017. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project involves pre-zoning and annexation of approximately 4,388 acres of land under the jurisdiction of the County of San Bernardino into the City of Rancho Cucamonga (City). 3,176 acres of the 4,388 acres has been identified by the City as Conservation Priority Area and the remaining 1,212 acres is identified as Development Priority Area. Other key components include, but are not limited to the development of approximately 598 acres, involving the construction of approximately 3,800 residential units and associated infrastructure within the Development Priority Area; and the development of a conservation program over the remaining acreage. The project is located along the northeastern edge of the City at the base of the San Gabriel

Mountains and generally lies west of Interstate 15 (I-15), north of I-210, and north of residential development within the City.

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City (the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources.

The Department recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable Department staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The Department recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. The Department recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. The Department's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. The Department recommends that CNDDDB Field

Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be effected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service, where necessary. Note that the Department generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Based on the Department's local biological knowledge of the project area, and review of CNDDDB, the project site has a high potential to support both nesting and foraging habitat for burrowing owl (*Athene cunicularia*), a California Species of Special Concern. As such, the Department recommends that City, during preparation of the DEIR, follow the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012); available for download from the Department's website at:
<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>

The Staff Report on Burrowing Owl Mitigation specifies that project impact evaluations include:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the *Staff Report on Burrowing Owl Mitigation*, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing

owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>);
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all mitigation lands within and adjacent to the project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the project. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address project-related changes on drainage patterns and water quality within, upstream, and downstream of the project site, including: volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.

With respect to defensible space: please ensure that the DEIR fully describes and identifies the location, acreage, and composition of defensible space *within* the proposed Development Priority areas. Please ensure that any graphics and descriptions of defensible space associated with this project comply with San Bernardino County Fire/Rancho Cucamonga Fire (or other applicable agency) regulations/ requirements. The City, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservation

lands. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require in-perpetuity vegetation management.

2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or conservation/mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to adjacent open space lands from both the construction of the project and long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

Note that the DEIR must describe and analyze a range of reasonable alternatives to the project that are potentially feasible, would "feasibly attain most of the basic objectives of the project," and would avoid or substantially lessen any of the project's significant effects (CEQA Guidelines § 15126.6[a]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project. When proposing measures to avoid, minimize, or mitigate impacts, the Department recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area. The Department also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. The Department recommends that the Lead Agency include in the

analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.

2. *Sensitive Plant Communities*: The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.

Scale broom scrub, has an overall rarity ranking of G3 S3, however, some associations within the scale broom scrub alliance (i.e., Riversidean alluvial fan sage scrub) are listed as rare as G1 S1.1. Based on the Department's understanding of the project, the Development Priority Area supports Riversidean alluvial fan sage scrub (RAFSS). Please note that the Department considers all associations with state ranks of S1-S3 to be highly imperiled.

3. *Mitigation*: The Department considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the project, the Department recommends that the City include specific mitigation in the DEIR. CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact

assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

The Department recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the project. Furthermore, in order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

The Department is concerned by cumulative impacts to RAFSS habitat and associated species within the San Bernardino valley area. Because of cumulative impacts, the Department is concerned that the project will be unable to adequately mitigate for the impacts to RAFSS habitat proposed within the Development Priority Area. As the Department has previously articulated to the City, the conservation of California Sage Scrub habitat will not provide appropriate compensatory mitigation to offset impacts to RAFSS habitat. At a minimum, the DEIR will need to include a mitigation strategy that identifies long-term conservation for a similar diversity and abundance of species as those being impacted on the project site.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

The Department recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

5. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The Department recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the Department recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

6. *Moving out of Harm's Way*: The proposed project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the Department recommends that the lead agency condition the DEIR to require that a Department-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., the Department does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective

mitigation for the purposes of offsetting project impacts associated with habitat loss.

7. *Translocation of Species*: The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). The Department recommends that a CESA Incidental Take Permit (ITP) be obtained if the project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

The Department encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for the Department to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA

Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

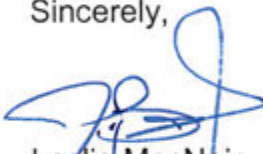
Additional Comments and Recommendations

To ameliorate the water demands of this project, the Department recommends incorporation of water-wise concepts in project landscape design plans. In particular, the Department recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Rancho Santa Ana Botanic Garden in Claremont). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <http://saveourwater.com/>

Further Coordination

The Department appreciates the opportunity to comment on the recirculated NOP of a DEIR for the Rancho Cucamonga North East Sphere Annexation Specific Plan Project (SCH No. 2017091027) and recommends that City of Rancho Cucamonga address the Department's comments and concerns in the forthcoming DEIR. If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Joanna Gibson at (909) 987-7449 or at Joanna.gibson@wildlife.ca.gov.

Sincerely,


For Leslie MacNair
Regional Manager

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>

New Urban Realty Advisors Inc

Rural By Design

From: Grahn, Tom [Tom.Grahn@cityofrc.us]
Sent: Monday, January 29, 2018 11:35 AM
To: David Sargent; John Baucke; Ruta Thomas
Cc: Burnett, Candyce; Smith, Michael
Subject: FW: Rancho Cucamonga North Eastern Sphere Annexation SP

From: Robertson, Glenn@Waterboards [<mailto:Glenn.Robertson@waterboards.ca.gov>]
Sent: Monday, January 29, 2018 11:34 AM
To: Grahn, Tom <Tom.Grahn@cityofrc.us>
Cc: Reeder, Terri@Waterboards <Terri.Reeder@waterboards.ca.gov>; Brandt, Jeff@Wildlife <Jeff.Brandt@wildlife.ca.gov>
Subject: Rancho Cucamonga North Eastern Sphere Annexation SP

Good morning Tom – Regional Board staff have reviewed and considered the Notice of Preparation for the Draft EIR of the City's Annexation Specific Plan and will wait to comment on the DEIR itself. Thank you for your coordination. Glenn Robertson

Glenn S. Robertson
Engineering Geologist, M.S., PG
Basin Planning Coastal Waters Section, CEQA Coordinator
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
Phone: 951-782-3259
Fax: 951-781-6288
Email: Glenn.Robertson@waterboards.ca.gov