

3.0 Response to Comments

3.1 INTRODUCTION

In accordance with Section 15088 of the CEQA Guidelines, the City, as the Lead Agency for the Project, evaluated comments received on the Draft SEIR and has prepared the following responses to the comments received.

The Draft SEIR was distributed for a 45-day public review period by the City from December 22, 2008 to February 4, 2009. The City has used several methods to elicit comments on the Draft SEIR. Copies of the Draft SEIR were distributed to state agencies through the State Clearinghouse of the Governor's Office of Planning and Research; a Notice of Availability of Draft SEIR that indicated where copies of the Draft SEIR could be obtained or reviewed, as well as a compact disc containing the Draft SEIR and technical appendices were distributed to various federal and local agencies, individuals, and organizations. In addition, a Notice of Availability was sent to residents within a 600 foot radius of the Project site. Copies of the Draft SEIR were available for review in the City Library and Planning Department, and the City published the Notice of Completion and Availability of the Draft SEIR in the Inland Valley Daily Bulletin on December 22, 2008.

3.2 COMMENT LETTERS AND RESPONSES

The comment letters for the Draft SEIR and responses to comments are provided on the following pages.

THE AVENUE SPECIFIC PLAN AMENDMENT
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
Response to Comments
February 2, 2010

Letter A

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION

SOLID WASTE MANAGEMENT DIVISION

222 West Hospitality Lane, Second Floor • San Bernardino, CA 92415-0017 • (909) 386-8701
Administration/Engineering Fax (909) 386-8900



COUNTY OF SAN BERNARDINO PUBLIC AND SUPPORT SERVICES GROUP

VANA R. OLSON
Director of Public Works

PETER H. WULFMAN
Solid Waste Division Manager

January 7, 2009

Richard Ayala, Senior Planner
City of Ontario/Planning Department
303 East "B" Street
Ontario, CA 91764



**RE: NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT – AVENUE SPECIFIC PLAN**

Dear Mr. Ayala:

Thank you for the opportunity to comment on the above-referenced project.

The County of San Bernardino Solid Waste Management Division is responsible for the management and oversight of all County landfill and waste transfer operations. Staff has reviewed the document and finds that the environmental analysis concerning all solid waste generated by the proposed project is adequate.

A-1

Should you have any questions or comments, please feel free to contact Patrick Egle, S.C., Associate Planner, by phone at (909) 386-9012; by facsimile at (909) 386-8964, by mail to the address listed above, or by e-mail to PEgle@swm.sbcounty.gov.

Sincerely,

Nancy Sansonetti, AICP, S.C., Principal Planner/Chief
Planning & Permitting Section

Ecc: Peter Wulfman, Division Manager – County of San Bernardino Solid Waste Management Division
File

MARK H. UFFER
County Administrative Officer
NORMAN A. KANOLD
Assistant County Administrator
Public and Support
Services Group

BRAD MITZELFELT
PAUL SHANE

Board of Supervisors
First District: DENNIS HANSBERGER Third District:
Second District: GARY OVITT Fourth District:
JOSE GONZALES Fifth District:

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Responses to Comments Received from County of San Bernardino Department of Public Works

Response to Comment A-1

Comment has been noted.

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Letter B



California Regional Water Quality Control Board Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santana



Arnold Schwarzenegger
Governor

January 22, 2009

Richard Ayala
City of Ontario Planning Department
303 East "B" Street
Ontario, CA 91764

RECEIVED

JAN 28 2009

City of Ontario
Planning Department

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AVENUE SPECIFIC PLAN, CITY OF ONTARIO, SCH# 2005071109

Dear Mr. Ayala:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board), have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed amendment of the Avenue Specific Plan (Project) in the City of Ontario.

The amended Project would change the previously adopted Project to encompass development of commercial uses (250,000 sf), schools, parks, and as many as 2,606 residential dwellings on 569.4 acres of former agricultural sites between Schaefer, Carpenter, Edison (Subarea 18), and Haven Avenues. The DSEIR reflects certain changes to the previously certified Final EIR for the Specific Plan and adds only those mitigation measures referenced in the Executive Summary, including those for the Hydrology/Water Quality Section indicated on p. 2-20. If the following water-quality related comments have only been partially addressed previously, we request that they be incorporated into the SEIR in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan):

1. The Conclusions of the DSEIR Executive Summary (p. 2-28) indicate that with the implementation of the DSEIR's recommended mitigation measures (including those on p. 2-20), potentially significant impacts will still not be reduced to "less than significant levels" for hydrology and water quality. Therefore, toward further reduction of potentially significant impacts to beneficial uses¹, a Project hydrological study should:

B-1a

¹ The Region 8 Basin Plan lists beneficial uses for the surface water and groundwater bodies in the project area, including: Cucamonga Creek, Reach 1 (Valley Reach): Groundwater Recharge (GWR), Water Contact Recreation (REC1, restricted access), Non-Contact Water Recreation (REC2), Limited Warm Freshwater Habitat (LWRM), and Wildlife Habitat (WILD). Santa Ana River, Reach 3 (Prado Dam to Mission Boulevard) has the above BUs, plus Agricultural Supply (AGR), Warm Freshwater Habitat (WARM), and support of Rare, Threatened, and Endangered Species habitat (RARE). The Project overlies the Chino 2 Groundwater Management Zone (GMZ), the beneficial uses of which are AGR, Municipal Supply (MUN), Industrial Supply (IND), and Process Supply (PROC), with groundwater Water Quality Objectives (WQO) 250 mg/l for TDS and 5 mg/l for NO₃-N. Other narrative WQOs apply as well – see Region 8 Basin Plan Chapter 4. Where not already addressed, the SEIR must evaluate the potential for the Project to impact these beneficial uses and WQOs and identify mitigation for unavoidable impacts.

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Mr. Richard Ayala

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January 22, 2009

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|---|-------------|
| <p>a. Determine the level of storm drain infrastructure that the Project should have in order to treat and convey additional runoff to the area storm drain network. We anticipate that the Project's construction phase and addition of impervious surfaces will alter the volume and direction of stormwater and dry-weather flows to the regional drainage network, including the Cucamonga Creek Channel² (Channel). If so, any proposed inlet(s) and/or anticipated runoff volume to the Channel must be projected. Use of project-scale Low Impact Development (LID) and "Smart Growth" practices, including dampening hydrographic changes, conserving water, and maximizing groundwater recharge potential, are highly recommended to minimize a range of hydrological impacts that the project is likely to have.</p> | <p>B-1a</p> |
| <p>b. Address the potential for the project to hydromodify downstream drainages and to cumulatively degrade them through erosion, scour, sedimentation, and instability. The SEIR should discuss BMPs for minimizing all anticipated hydromodification. The Project's jurisdictional delineation determined that the site has no waters of the U.S. or state. However, if the Project results in the discharge of fill to the Channel or a tributary, then the Project will require a Clean Water Act (CWA) Section 404 permit from the United States Army Corps of Engineers and a CWA Section 401 Water Quality Standards Certification from our office.</p> | <p>B-1b</p> |
| <p>2. We are concerned that during the construction phase, runoff may contain elevated levels of salts (total dissolved solids), nitrate, sediment, and hydrocarbons. All new construction must control pollutants from point and non-point sources by conforming to the Water Quality Management Plan (WQMP) required by the Regional Water Quality Control Board's Waste Discharge Requirements for San Bernardino County (NPDES Permit No. CAS618036), Order No. R8-2002-0012, San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region Area-Wide Urban Storm Water Runoff, also known as the San Bernardino County municipal separate storm sewer system, or "San Bernardino County MS4" permit.</p> | <p>B-2</p> |
| <p>3. Cucamonga Creek is tributary to the Santa Ana River, Reach 3, which has an adopted Total Maximum Daily Load (TMDL)³ for nitrate, in accordance with CWA Section 303(d). Further, both water bodies are included in the Middle Santa Ana River Watershed Bacterial Indicator TMDLs: Cucamonga Creek Channel, Reach 1, for coliform, and Santa Ana River Reach 3, for pathogens. The SEIR should reflect that implementation of MS4 controls on urban runoff will be required for TMDL compliance.</p> | <p>B-3</p> |
| <p>For consistency, the above comments are applicable to neighboring projects, particularly those of the New Model Colony (Great Park, etc.).</p> | <p>B-4</p> |

² The Cucamonga Creek Channel, Reach 1 (Valley Reach) bisects the western portion of the Project site.

³ These Region 8 TMDLs may be found at www.swrcb.ca.gov/rwqcb8/water_issues/programs/tmdl/msar_tmdl.shtml

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January 22, 2009

If you have any questions, contact Glenn Robertson at (951) 782-3259, or grobertson@waterboards.ca.gov, or me at (951) 782-3234 or madelson@waterboards.ca.gov.

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

cc: State Clearinghouse

X:\Groberts on Magnolia\Data\CEQA\CEQA Responses\ DEIR- City of Ontario-Avenue Specific Plan-MGA.doc

California Environmental Protection Agency

Recycled Paper

THE AVENUE SPECIFIC PLAN AMENDMENT
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Response to Comments Received from California Water Quality Control Board, Santa Ana Region

Response to Comment B-1a

Several master drainage plans were used in the preparation of the previously approved EIR Hydrology and Water Quality section which address storm drain infrastructure (Previously approved EIR, pp. 5.8-1 – 5.8-43). The addition of residential units and commercial space to the previously approved plan does not change the results of the previously approved EIR analysis. Mitigation Measure NMC WQ-1 (Draft SEIR, p. 2-20) is in place for the Project in order to address specific drainage issues for the Project. This mitigation requires that project hydrological studies will be prepared and submitted for review with the submission of Tentative Tract Maps within The Avenue Specific Plan. These hydrological studies will include a determination of the level of storm drain infrastructure that is needed to treat and convey the additional runoff from the increased impervious surface area to the area storm drain network. “Smart Growth” practices will be considered in the study.

Response to Comment B-1b

The previously certified FEIR included several statements regarding utilizing best management practices to minimize hydromodification of downstream drainages (Previously approved EIR, pp. 5.8-17 – 5.8-21). These conclusions are incorporated by reference and still apply to the current Project. In addition, the Project is not expected to result in discharge of fill to any waters of the U.S. or state; however, the Project will obtain Section 404 and 401 permits if discharge of fill into U.S. or state waters is necessary.

Response to Comment B-2

Comment is noted. The project will be subject to all applicable regulations and will comply with the Water Quality Management Plan required by the Regional Water Quality Control Board’s Water Discharge Requirements for San Bernardino County (NPDES Permit No. CAS618036). The Project’s developers and builders will obtain an NPDES storm water permit for construction activities and shall comply with the requirements of the permit (Previously approved EIR, p. 5.8-32, first paragraph). Mitigation measures incorporated into the Project which require compliance with the WQMP and MS4 permit include NMC WQ-5, NMC WQ-6, NMC WQ-7, and HWQ-1 (Draft SEIR, pp. 2-20 – 2-21.) These mitigation measures require the project to obtain and comply with all terms and conditions of the NPDES permit from the State Water Resources Control Board, including implementation of Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP).

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Response to Comment B-3

Comment is noted. The Project will implement MS4 controls in order to achieve TMDL compliance (Previously approved EIR, p. 5.8-38, last paragraph). In addition, Mitigation Measure HWQ-1 (Previously approved EIR, p. 5.8-42 and Draft SEIR, p. 2-21) will be implemented and will ensure the Project's compliance with the City's MS4 permit by requiring the Project to comply with NPDES regulations and implement BMPs to control TMDLs.

Response to Comment B-4

Comment is noted and will be considered in future planning.

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Letter C

DENNIS R. YATES
Mayor

EARL C. BLOD
Mayor Pro Tem



CITY of CHINO

GLENN DUNCAN
TOM HAUGHEY
EUNICE M. ULLOA
Council Members

PATRICK J. GLOVER
City Manager

February 2, 2009

Mr. Richard Ayala
Senior Planner
City of Ontario
303 East B Street
Ontario, CA 91764

RE: Draft Supplemental Environmental Impact Report for The Avenue Specific Plan

Dear Mr. Ayala:

Thank you for providing the City of Chino an opportunity to review and comment on the Draft Supplemental Environmental Impact Report for The Avenue Specific Plan.

Based upon staff's review of the project, the City of Chino has the following comments:

Transportation

Transportation Mitigation Measures are proposed at the intersection of Euclid Avenue and Edison Avenue on the west leg of Edison, which is in the City of Chino. The City of Chino's Circulation Element calls for three through lanes in the eastbound and westbound direction. Ultimate curb geometry has already been built west of the intersection of Euclid and Edison Avenues and does not accommodate four eastbound through lanes; therefore, the proposed mitigation is not feasible. Also, right turn overlap phases affect the u-turn movements at the intersection. Please revise proposed mitigation to achieve an acceptable Level of Service without adding an additional fourth through lane.

C-1

Thank you again for providing the City of Chino the opportunity to review the Draft Supplemental Environmental Impact Report for The Avenue Specific Plan.

Should you have any questions, please feel free to contact me at (909) 591-9893.



13220 Central Avenue, Chino, California 91710
Mailing Address: P.O. Box 667, Chino, California 91708-0667
(909) 627-7577 • (909) 591-6829 Fax
Web Site: www.ci.chino.ca.us

THE AVENUE SPECIFIC PLAN AMENDMENT
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FEB 2 2009 9:41AM City of Orange Public Work Engin

No. 0266 P. 3

Mr. Richard Ayala
Page 2
February 2, 2009

Sincerely,



Kim Le
Assistant Planner

cc: Community Development Department File
Karen Nieckula, Associate Engineer

Response to Comments Received from City of Chino

Response to Comment C-1

This comment states that mitigation imposed by the original the Avenue Specific Plan EIR for impacts at the intersection of Euclid Avenue and Edison Avenue, within the City of Chino, is not feasible because Chino's General Plan Circulation Element calls on the intersection's west leg (Edison Avenue) being at most three through lanes in each direction, and thus four through lanes are not possible. However, this comment is outside the scope of the analysis of this SEIR.

As noted in State CEQA Guidelines section 15163, a supplemental EIR need only contain the information and analysis necessary to make the previous EIR adequate for the project as revised. Therefore this supplemental environmental review of the Avenue Specific Plan needs only address the changes in the Project that have been proposed. Thus, only that analysis that is needed to determine whether the revised Project would result in new or substantially greater significant impacts as compared to the original EIR need be conducted. The SEIR, as per the traffic study for the project revisions, identified the intersections that could potentially be affected by reductions of Levels of Service, as a result of the changes to the Project, such that these impacts could be deemed to be significant. The Euclid Avenue and Edison Avenue intersection is not one of these intersections, and thus the analysis and mitigation of the original EIR as to that intersection remains undisturbed and is not subject to further review, as per CEQA's strong policy in favor of the conclusiveness of environmental review that has been completed. Furthermore, it should be noted that the information regarding Chino's General Plan was available at the time of the original EIR but was not brought to the City's attention. Because this information was available at the time, it does not constitute "new information of substantial importance," as defined in State CEQA Guidelines section 15162(a)(3), that would independently render this information the subject of supplemental environmental review. Consequently, the feasibility of mitigation imposed in the original EIR, which does not bear on the proposed Project revisions, is beyond the scope of this SEIR.

The City of Ontario is currently working on a city-wide General Plan update. The traffic modeling and level of service analysis associated with the General Plan EIR is more comprehensive and up to date as compared to the previous analysis for the Avenue Specific Plan EIR. The General Plan analysis indicates that the Euclid and Edison intersection will require less mitigation than previously anticipated because of proposed land use density and redistribution changes. We understand that the City of Chino is also working on a General Plan update. Therefore, it would seem appropriate for us to cooperatively work together on a plan for this key intersection that will satisfy the future year traffic demands due to our respective General Plans and area growth.

THE AVENUE SPECIFIC PLAN AMENDMENT
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Letter D



Christian Nelson
Region Manager
Local Public Affairs

February 5, 2009



Mr. Richard Ayala, Senior Planner
City of Ontario
303 East B Street
Ontario, CA 91764

RE: The Notice of Availability of a Draft Supplemental Environmental Impact
Report (DSEIR) for the Avenue Specific Plan Amendment

Dear Mr. Ayala:

Southern California Edison (SCE) appreciates the opportunity to review and provide comment on the DSEIR for The Avenue Specific Plan. The project is described in the DSEIR as a proposal to amend The Avenue Specific Plan to allow for an additional 280 residential units and an additional 76,000 square feet of commercial, for a total of 2,606 residential units and 250,000 square feet of commercial. The amendment also includes a proposal to realign Schaefer Avenue.

SCE's comments regarding the proposed project address electric service provision, potential impacts to existing SCE facilities, and the California Public Utilities Commission (CPUC) process for implementing the requirements of the California Environmental Quality Act (CEQA).

Electric Service Provision

SCE is the provider of electricity for this project. This letter is to advise The City of Ontario the electrical loads of this project have been determined to be within the parameters of the projected load growth which SCE is planning to meet in this area.

SCE undertakes expansion and/or modification of its electric systems and infrastructure to serve the load growth of existing customers and new projects. Since SCE's electrical system is provided by a network of facilities (SCE's electrical distribution, transmission, and generation systems), SCE appreciates your notifying us of these development plans in order to assist us in determining the future electrical needs of this area.

D-1

3551 East Francis Street
Ontario, CA 91761-5714
(909) 830-8405 FAX (909) 830-8407
Christian.Nelson@sce.com

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If the project is within the projected load growth for this area, SCE is basically stating that the total system demand is expected to continue to increase annually; however, excluding any unforeseen problems, SCE's plans for new distribution resources indicate our ability to serve all customers' loads within this area are in accordance with SCE's Design Standards, rules and tariffs, and will be adequate for the next ten years. SCE completes all work in accordance with the rules and tariffs as authorized by the CPUC and other governing entities. Any cumulative impacts related to electric service would be addressed through this process.

Please note that although SCE is currently capable of serving project loads, the project developer will be responsible for the costs of any new distribution and/or line extension work, per SCE's CPUC-approved tariff Rules 15 and/or 16, and of any relocation of facilities required to accommodate the distribution line and/or service extensions required by SCE to serve the project. In addition, it is essential the project developer review and/or discuss with SCE what measures can be taken to assure optimal conservation measures within this project's boundaries that will contribute to the overall energy savings goals of SCE and California.

D-1

Impacts to Existing Facilities

Project objectives itemized in the DSEIR on page 2-5 include a proposal to utilize SCE rights of way for pedestrian and bicycle trail linkages:

"Provide for the connectivity between residential neighborhoods and adjacent commercial retail land uses, as well as to the elementary and middle schools, by means of pedestrian and bicycle trail linkage along spine street and a trail incorporated into the Southern California Edison easement and Cucamonga Creek."

Please be aware, SCE Company right of ways are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. Any proposed use will be reviewed on a case by case basis by SCE's Operating Department. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right of way constraints and rights. Please forward five (5) sets of development plans depicting SCE's facilities and associated land rights to:

D-2

Genie Sanders
Corporate Real Estate
9500 Cleveland Avenue, Suite 100
Rancho Cucamonga, CA 91737

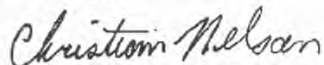
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CPUC CEQA Requirements

Please note if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA review as required by the California Public Utilities Commission (CPUC). If, those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the CEQA review for the larger project, and the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for up to two years or longer.

Once again, SCE appreciates the opportunity to review and respond to the DSEIR for this project. We request a copy of the certified Final SEIR for this project in hard copy and CD format when it becomes available. If you have any questions regarding this letter, please do not hesitate to contact me at (909) 930-8495.

Sincerely,



Christian Nelson
Region Manager
Southern California Edison Company

D-3

THE AVENUE SPECIFIC PLAN AMENDMENT
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
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February 2, 2010

Response to Comments Received from Southern California Edison

Response to Comment D-1

Comment has been noted.

Response to Comment D-2

Comment has been noted. Any plans for utilization of SCE rights-of-way will be submitted by the developer to SCE for review with subsequent approval or denial. In the case of denial, trails along and over Cucamonga Creek will be sufficient to serve the Project.

Response to Comment D-3

Comment has been noted. It is anticipated that the existing facilities over 50 kV will not be relocated. In the event that it is determined existing facilities need to be relocated, CEQA review will be completed at that time.

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Letter E



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

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



Arnold Schwarzenegger
Governor

RECEIVED

FEB 10 2009

City of Ontario
Planning Department

February 4, 2009

Mr. Richard Ayala
City of Ontario Planning Department
303 East B Street
Ontario, California 91764

NOTICE OF AVAILABILITY OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT FOR THE AVENUE SPECIFIC PLAN AMENDMENT (SCH#
2005071109)

Dear Mr. Ayala:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The project consists of an amendment to The Avenue Specific Plan. The adopted Specific Plan provided for 2,326 homes of low and medium density residential and up to 174,000 square feet (s.f.) of commercial development in addition to parks, a middle school and an elementary school. The Avenue Specific Plan Amendment proposes a realignment of Schaefer Avenue and the development of up to 2,606 homes and 250,000 s.f. of Neighborhood Center uses. This is an increase of 280 residential dwelling units and 76,000 s.f. of retail in the area bound by the realigned Schaefer Avenue to the north, Haven Avenue to the east, the Subarea 18 boundary to the south (existing Edison Avenue) and Turner Avenue to the west. In order for the proposed with the following changes within Subarea 18, now known as The Avenue Specific Plan area:

1. The Neighborhood Center proposed for the southeast corner of Edison Avenue and Haven Avenue to be relocated to the northeast corner of Edison Avenue and Haven Avenue.
2. The Medium Density Residential currently shown on the south side of Edison Avenue to be located on both the north and south sides of Edison Avenue in the areas nearest the proposed Neighborhood Center".

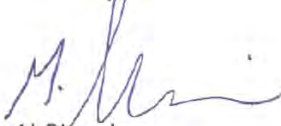
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Mr. Richard Ayala
February 4, 2009
Page 2

DTSC has reviewed the submitted document. Since all previous comments have been addressed in this document, DTSC has no additional comments at this time. If you have any questions regarding this letter, please contact me at (714) 484-5472 or at ashami@DTSC.ca.gov.

E-1

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program - Cypress

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

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

CEQA #2421

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Response to Comments Received from California Department of Toxic Substances Control

Response to Comment E-1

Comment has been noted.