



# Lewis Retail Project

Final EIR  
(SCH No. 2017101024)

June 2018



**FINAL ENVIRONMENTAL  
IMPACT REPORT**

for the

**Lewis Retail Project**  
State Clearinghouse Number:  
2017101024

**Prepared for:**

City of Eastvale  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

**Prepared by:**

Applied Planning, Inc.  
11762 De Palma Road, 1-C 310  
Corona, CA 92883

**June 2018**

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# 1.0 INTRODUCTION

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# **1.0 INTRODUCTION**

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## **1.1 OVERVIEW**

This document, combined with the Draft Environmental Impact Report (DEIR), constitutes the Final EIR for the Lewis Retail Project (Project). The DEIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The DEIR was circulated for a 45-day review period: April 6 through May 21, 2018.

## **1.2 CONTENT AND FORMAT**

Subsequent to this introductory Section 1.0, Section 2.0 of this Final EIR presents revisions and errata corrections to the DEIR text. Responses to comments received on the DEIR are presented at Final EIR Section 3.0. The EIR Mitigation Monitoring Program is presented at Final EIR Section 4.0.

## **1.3 DRAFT EIR COMMENTORS**

### **1.3.1 Overview**

The complete list of Draft EIR commentors, along with copies of comment letters and responses to comments, is presented at Section 3.0 of this Final EIR. The following list identifies the comment letters received in regard to the Draft EIR:

- Governor's Office of Planning and Research, State Clearinghouse
- California Department of Fish and Wildlife
- California Department of Transportation, District 8 (Caltrans)
- Riverside County Flood Control and Water Conservation District
- South Coast Air Quality Management District

- Agua Caliente Band of Cahuilla Indians
- Webb Associates on behalf of Jurupa Community Services District
- Wittwer/Parkin LLP on behalf of Southwest Regional Council of Carpenters (Southwest Carpenters)
- Betty Wu
- Ryan Xu
- Unknown Commentor

### **1.3.2 Presentation of Comments and Responses**

All comment letters received in regard to the Draft EIR are included, along with corresponding responses, in their entirety at Final EIR Section 3.0, *Comments and Responses*.

## **1.4 LEAD AGENCY AND POINT OF CONTACT**

The Lead Agency for the Project and EIR is the City of Eastvale. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Eric Norris, Planning Director  
City of Eastvale  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

## **1.5 PROJECT SUMMARY**

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

### **1.5.1 Project Location**

The Project is located within the southern portion of the City of Eastvale, in Riverside County. Project Site 1 is located east of the existing terminus of Schleisman Road and Hamner Avenue. Site 1 comprises Assessor's Parcel Numbers (APNs) 152-060-002, -003.

Project Site 2 is located at the southwest corner of Riverboat Drive and Hamner Avenue, approximately one block north of Site 1. Site 2 comprises APNs 152-350-010, -011.

### 1.5.2 Project Overview

The proposed Lewis Retail Project (Project), including all proposed facilities, on- and off-site supporting improvements, and associated discretionary actions comprise the Project considered in this Environmental Impact Report (EIR). The Project would implement various commercial, retail, service, office, and civic uses within two noncontiguous properties, referred to as “Site 1” and “Site 2.”<sup>1</sup> Unless otherwise differentiated herein, Site 1 and Site 2 are referred to collectively as the Project Site. A summary of proposed land uses and scope of development within both Sites is presented at Table 1.5-1.

**Table 1.5-1  
Project Development Summary**

<b>Site 1 - Approximately 23 Acres (Gross)</b>	
<b>Use</b>	<b>Building Area/Scope</b>
Gas station w/market	8 Vehicle Fueling Positions (VFP)
Restaurant: Fast food w/drive-through	3,500 Square Feet (SF)
Restaurant: Coffee shop w/drive-through	2,000 SF
Restaurant: High-turnover sit-down	6,000 SF
Restaurant: Fast food w/o drive-through	4,000 SF
Retail	4,000 SF
Medical office	10,000 SF
Hotel	130 Rooms
Civic: Government office (City Hall)	40,000 SF
Civic: Public library	25,000 SF
<b>Site 2 - Approximately 1.38 Acres (Gross)</b>	
<b>Use</b>	<b>Building Area/Scope</b>
Gas station w/market and carwash	16 VFP (Market +/- 3000 SF)

Source: Lewis Retail Project Development Concept, February 2018.

<sup>1</sup> Site 2 is also commonly referred to as “Al’s Corner.”

### **1.5.3 Project Objectives**

The primary goal of the Project is the development of the subject site(s) with a productive mix of commercial, retail, service, and civic uses. Complementary Project Objectives include the following:

- To provide commercial, retail, and service uses that serve the local market area and beyond; and that attract new customers and businesses into Eastvale;
- Provide a new Civic Center accommodating Eastvale government offices and a County of Riverside public library;
- Improve and maximize economic viability of the currently vacant and underutilized Project Site through the establishment of commercial, retail, service, and civic uses;
- Maximize and broaden the City's sales tax base by providing local and regional tax-generating uses and by increasing property tax revenues;
- Provide commercial, retail, service, and civic uses within contemporary energy efficient buildings, at a location that is readily accessible by patrons and employees;
- Create additional employment-generating opportunities for the citizens of Eastvale and surrounding communities.

### **1.5.4 Discretionary Actions**

#### **1.5.4.1 Lead Agency Discretionary Actions and Permits**

Requested decisions, or discretionary actions, necessary to realize the Project include, but may not be limited to the following:

- CEQA Compliance/EIR Certification. The City must certify the EIR prior to, or concurrent with, any approval of the Project.

- Approval of a General Plan Amendment (Land Use) - From Medium Density Residential to Commercial Retail on both Sites 1 and 2.
- Approval of a Zone Change - For Site 1 from Watercourse, Watershed and Conservation Areas (W-1) and Rural Residential (R-R) to General Commercial (C-1/C-P).<sup>2</sup>
- Approval of a Tentative Parcel Map (TPM) for Site 1.
- Major Development Plan Reviews for Site 2 and a portion of Site 1.
- Conditional Use Permits (CUPs) for the sale of alcohol for on-site and off-site consumption (at one or more restaurants on Site 1 and at the proposed gas station convenience store on Site 1) and for drive-through operations on Sites 1 and 2.
- Additionally, the Project would require a number of non-discretionary construction, grading, drainage and encroachment permits from the City to allow implementation of the Project facilities.

#### **1.5.4.2 Other Consultation and Permits**

Based on the current Project design concept, anticipated consultation and permits necessary to realize the proposal would likely include, but are not limited to the following:

- Consultation with requesting Tribes as provided for under *AB 52, Gatto. Native Americans: California Environmental Quality Act*; and *SB 18, Burton. Traditional tribal cultural places*.
- Permitting may be required by/through the Regional Water Quality Control Board (RWQCB) pursuant to requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit;

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<sup>2</sup>Site 2 is currently zoned General Commercial (C-1/C-P). The proposed General Plan Amendment (Land Use) for Site 2 would establish General Plan-Zoning consistency for the Site.

- Permitting may be required by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment or land uses that may be implemented within the Project Site;
- Permitting (i.e., utility connection permits) from serving utility providers including but not limited to approval from Jurupa Community Services District for water and wastewater connections;
- Other ministerial permits necessary to realize all on- and off-site improvements related to the development of the site.

## **2.0 REVISIONS AND ERRATA CORRECTIONS**

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## **2.0 REVISIONS AND ERRATA CORRECTIONS**

### **2.1 INTRODUCTION**

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. Text changes are presented under the chapter or topical section of the Draft EIR where they are located. The revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

### **2.2 REVISIONS**

#### **2.2.1 Revisions to Draft EIR Section 1.0, Executive Summary**

As a matter of record, the City is no longer considering a Development Agreement as a Project discretionary action. The EIR text at Section 1.3, *Discretionary Approvals and Permits*, is amended accordingly as presented below.

- ~~• Approval of a Development Agreement (DA) between the City and the Applicant. Final terms of the DA are currently under negotiation.~~

Related EIR citations to a Project Development Agreement are amended accordingly by reference. Results and conclusions of the EIR are not affected.

Additionally, the summary of biological resources impacts correctly referred to Mitigation Measures BIO-1 and BIO-2 carried forward from the Project Initial Study. However, the referenced mitigation was erroneously excluded from Table 1.10-1, *Summary of Impacts and Mitigation*.

Consistent with the DEIR body text, Table 1.10-1, *Summary of Impacts and Mitigation*, is clarified to include the referenced Mitigation Measures. Results and conclusions of the EIR are not affected.

*BIO-1 A qualified biologist, in accordance with the latest California Department of Fish and Wildlife (CDFW) survey guidelines, will conduct a burrowing owl preconstruction survey within 30 days prior to ground-disturbance or noise producing activities. If burrowing owls occupy the site, then a mitigation plan shall be prepared, approved by CDFW, and implemented prior to initiation of ground-disturbance activities that may affect the burrowing owl on site. The mitigation plan will include methods for avoidance or relocation of the owl and details regarding the proposed relocation site.*

*BIO-2 Pursuant to the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31, but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for burrowing owls and nesting birds shall be conducted within thirty (30) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300- foot buffer around the active nest. For raptors and special-status species, this buffer will be expanded to 500 feet. A biological monitor shall be*

present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.

## 2.2.2 Revisions to Draft EIR Section 4.3, Air Quality

Reflecting additional mitigation incorporated in the Project, the discussion at EIR p. 4.3-29 is amended as follows. Results and conclusions of the EIR are not affected.

**Mitigation Measures: ~~No feasible mitigation.~~ As means of generally reducing NOx emissions impacts, the following mitigation measure is incorporated in the EIR:**

4.3.3 Prior to issuance of Certificate of Occupancy for each of the Project areas identified below, a minimum of 10 electric vehicle (EV) charging stations shall be installed and distributed throughout the site as follows:

- Lewis Retail/Commercial Facilities: a minimum of 4 EV charging stations
- Hotel: a minimum of 2 EV charging stations
- Civic Center: a minimum of 4 EV charging stations

Even after application of Mitigation Measure 4.3.3, NOx emissions impacts would remain significant and unavoidable.

## 2.2.3 Revisions to Draft EIR Section 4.4, Global Climate Change and Greenhouse Gas Emissions

In response to comments received by Wittwer Parkin, and to clarify baseline Project site GHG conditions, the following text is added to the discussion at EIR 4.4.2.3, *Greenhouse Gases Emissions Inventories* (p. 4.4-9). Results and conclusions of the EIR are not affected.

## Project Site

The Project site is largely undeveloped and is not a substantive source of GHG emissions.

Reflecting additional mitigation incorporated in the Project, the discussion at EIR p. 4.4-34 is amended as follows. Results and conclusions of the EIR are not affected.

Mitigation Measures: ~~No feasible mitigation.~~ As means of generally reducing GHG emissions impacts, the following mitigation measure is incorporated in the EIR:

4.4.1 Prior to issuance of Certificate of Occupancy for each of the Project areas identified below, a minimum of 10 electric vehicle (EV) charging stations shall be installed and distributed throughout the site as follows:

- Lewis Retail/Commercial Facilities: a minimum of 4 EV charging stations
- Hotel: a minimum of 2 EV charging stations
- Civic Center: a minimum of 4 EV charging stations

Even after application of Mitigation Measure 4.4.1, GHG emissions impacts would remain significant and unavoidable.

## **3.0 COMMENTS AND RESPONSES**

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## 3.0 COMMENTS AND RESPONSES

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### 3.1 INTRODUCTION

The following Section presents written comments received pursuant to public review of the DEIR and provides responses to those comments as required by California Code of Regulations, title 14 (hereinafter, “*CEQA Guidelines*”) Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: “[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The DEIR was circulated for a 45-day review period: April 6 through May 21, 2018.

In summary, the City’s written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City’s written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR’s conclusions.

#### 3.1.1 Comments Received

The following Section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been generally organized by state agencies; county, city, and local agencies; utilities; and local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all DEIR commentors and the designation assigned to each. Commentor correspondence

and correlating responses are presented subsequently. Comments have been reproduced verbatim and without grammatical or typographical correction.

**Table 3-1  
DEIR Commentors**

<b>Commentor</b>	<b>Acronym Assigned</b>	<b>Correspondence Date</b>
<b>State Agencies</b>		
State Clearinghouse	SCH	-
California Department of Fish and Wildlife	CDFW	4/13/18
California Department of Transportation, District 8 (Caltrans)	DOT	5/16/18
<b>Regional &amp; County Agencies</b>		
Riverside County Flood Control and Water Conservation District	RCFC	5/16/18
South Coast Air Quality Management District	AQMD	5/15/18
<b>Other</b>		
Agua Caliente Band of Cahuilla Indians	ACB	4/16/18
Webb Associates on behalf of Jurupa Community Services District	WEBB	5/21/18
Wittwer/Parkin LLP on behalf of Southwest Regional Council of Carpenters (Southwest Carpenters)	WP	5/21/18
Betty Wu	BWU	5/16/18
Ryan Xu	RXU	5/16/18
Unknown Commentor	UNK	5/16/18



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

May 22, 2018



Eric Norris  
City of Eastvale  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

Subject: Project No. PLN17-20015 - Lewis Retail General Plan Amendment, Change of Zone, and Parcel Map (Site 1) and Project No. PLN17-20029 Al's Corner General Plan Amen  
SCH#: 2017101024

Dear Eric Norris:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 21, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink that reads "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2017101024  
**Project Title** Project No. PLN17-20015 - Lewis Retail General Plan Amendment, Change of Zone, and Parcel Map  
**Lead Agency** (Site 1) and Project No. PLN17-20029 Al's Corner General Plan Amen  
 Eastvale, City of

**Type** EIR Draft EIR

**Description** Lewis Retail proposes a General Plan Amendment, a Change of Zone, and Major Development Plan Reviews for select parcels for development of commercial and civic uses on a 23-acre site. Initial operation is anticipated to begin in 2019. The General Plan Amendment would modify the land use designation from medium Density residential to Commercial retail. The Change of Zone would modify the zoning from rural residential and watercourse, watershed, and conservation area to general commercial. A Tentative Parcel map is proposed to subdivide the site into eight commercial parcels and one right of way parcel. With the exception of the Major Development Plan reviews being requesting, the following land use assumptions regarding future development have been assumed for site 1 for purposes of the environmental analysis... The City proposes a general Plan Amendment to change the land use designation on an approximately 1.38-acre City-owned parcel of vacant land, located at the southwest corner of Hamner Avenue and Riverboat Drive, and commonly known as Al's Corner.  
 The Al's Corner site is currently designated Medium Density residential on the General plan land use map and is zoned general commercial. The proposed general plan amendment, if approved, would bring the general plan land use designation and zoning into conformance.

**Lead Agency Contact**

**Name** Eric Norris  
**Agency** City of Eastvale  
**Phone** 530-574-4875 **Fax**  
**email**  
**Address** 12363 Limonite Avenue, Suite 910  
**City** Eastvale **State** CA **Zip** 91752

**Project Location**

**County** Riverside  
**City** Eastvale  
**Region**  
**Lat / Long**  
**Cross Streets** Hamner Ave, Schleisman Rd; Hamner Ave, Riverboat Dr  
**Parcel No.** 152-060-002, -003; 152-350-010, -011  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** I-15  
**Airports** Chino Air  
**Railways**  
**Waterways** Santa Ana River  
**Schools** Eleanor Roosevelt HS, others  
**Land Use** GP: Medium density; Z: RR and watercourse, watershed, conservation; gen commercial

**Project Issues** Geologic/Seismic; Water Quality; Landuse; Noise; Traffic/Circulation; Tribal Cultural Resources; Agricultural Land; Biological Resources; Minerals; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage

**Document Details Report  
State Clearinghouse Data Base**

Commission; State Lands Commission

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*Date Received* 04/06/2018      *Start of Review* 04/06/2018      *End of Review* 05/21/2018

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH  
STATE CLEARINGHOUSE  
SCH No. 2017101024

Response SCH-1

State Clearinghouse receipt of the Lewis Retail Project Draft EIR is acknowledged, as is the distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2017101024) and dates of the original public review period for the Draft EIR (April 6 through May 21, 2018) are also acknowledged.

**From:** "Gibson, Joanna@Wildlife" <[Joanna.Gibson@wildlife.ca.gov](mailto:Joanna.Gibson@wildlife.ca.gov)>

**Date:** Friday, April 13, 2018 at 10:58 AM

**To:** Eric Norris <[Enorris@eastvaleca.gov](mailto:Enorris@eastvaleca.gov)>

**Subject:** Lewis Retail Project DEIR (SCH # 2017101024)

Hi Eric,

We received a copy of the DEIR for the Lewis Retail project (SCH#2017101024). I was unable to locate a Biological Resources section in the DEIR. Can you please look at the document and let me know if I missed it? The project, at a minimum, will need to demonstrate consistency with the Western Riverside County MSHCP, and all laws and regulations pertaining to nesting birds and birds of prey.

CDFW-1

Thank you,

*Joanna Gibson*

Senior Environmental Scientist (Specialist)

CA Department of Fish and Wildlife

Inland Deserts Region

3602 Inland Empire Blvd., Suite C-220

Ontario, CA 91764

(909) 987-7449 (phone)

[Joanna.Gibson@wildlife.ca.gov](mailto:Joanna.Gibson@wildlife.ca.gov)

Every Californian should conserve water. Find out how at:



[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)

California Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764

Email Dated April 13, 2018

Comment CDFW-1

*We received a copy of the DEIR for the Lewis Retail project (SCH#2017101024). I was unable to locate a Biological Resources section in the DEIR. Can you please look at the document and let me know if I missed it? The project, at a minimum, will need to demonstrate consistency with the Western Riverside County MSHCP, and all laws and regulations pertaining to nesting birds and birds of prey.*

Response CDFW-1

The Project Applicant's responsibility for consistency with the MSHCP and compliance with applicable laws related to nesting birds and birds of prey noted by CDFW is acknowledged.

As discussed at Draft EIR Section 1.0, *Executive Summary*, Project impacts would be less-than-significant, or would be mitigated to levels that would be less-than-significant for all biological resources considerations. Conclusions presented previously within the Project Initial Study pertaining to Site 1 were based on the comprehensive Habitat Assessment prepared for that Site. Site 2 has been regularly cleared of weeds and debris for more than ten years; as a result, it was determined that there are no biological resources associated with the site. Mitigation has been proposed for impacts determined to be potentially significant and is presented at Final EIR Table 4.2-1, *Mitigation Monitoring Program*. With application of the proposed mitigation measures, the Project's potential impacts to biological resources would be less-than-significant.

Mitigation Measures BIO-1 and BIO-2 are also presented below for ease of reference:

*BIO-1 A qualified biologist, in accordance with the latest California Department of Fish and Wildlife (CDFW) survey guidelines, will conduct a burrowing owl preconstruction survey within 30 days prior to ground-disturbance or noise producing activities. If burrowing owls occupy the site, then a mitigation plan shall be prepared, approved by CDFW, and implemented prior to initiation of ground-disturbance activities that may affect the burrowing owl on site. The mitigation plan will include methods for avoidance or relocation of the owl and details regarding the proposed relocation site.*

*BIO-2 Pursuant to the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31, but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for burrowing owls and nesting birds shall be conducted within thirty (30) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptors and special-status species, this buffer will be expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.*

Additionally, the Project Site is located within the Eastvale Area Plan of the MSHCP, but not located within any Criteria Cells or MSHCP Conservation Areas. The Santa Ana River is located approximately 0.56 mile to the south of the Site 1, which has been identified as a wildlife corridor in the Western Riverside County Multiple Species Habitat

Conservation Plan (MSHCP). However, the site has not been identified as a wildlife corridor or linkage since the site's connection to the Santa Ana River has been eliminated by surrounding residential and recreational developments. As such, development of the Project is not expected to impact wildlife movement opportunities or prevent the Santa Ana River from continuing to function as a wildlife corridor.

Results and conclusions of the EIR are not affected.

DEPARTMENT OF TRANSPORTATION  
DISTRICT 8  
PLANNING (MS 722)  
464 WEST 4<sup>th</sup> STREET, 6<sup>th</sup> Floor  
SAN BERNARDINO, CA 92401-1400  
PHONE (909) 383-4557  
FAX (909) 383-5936  
TTY (909) 383-6300  
www.dot.ca.gov/dist8



Make Conservation  
A California Way of Life.



May 16, 2018

City of Eastvale  
Planning Department  
Eric Norris  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

Mr. Norris:

Lewis Retail General Plan Amendment Project Number PLN17-20029, PLN17-20015  
SCH#2017101024 (Riv 15 PM 46.97)

We have completed the review of the initial study of Notice of Preparation (NOP) for the above named project for the General Planned Amendment, Change of Zone, and Parcel Map. Proposal is to change land use designation to commercial retail, to change the zoning to general commercial, tentative parcel map is proposed to subdivide the site into 8 commercial parcels and one Right of Way (ROW) parcel.

DOT-1

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. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Eastvale due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

DOT-2

We recommend the following:

- Fair Share calculations.
- The City of Eastvale's General Plan classifies the land use within this area as Medium Density Residential; therefore, a GP Amendment is required. As such, the TIA must be revised and should analyze the following scenarios: Existing Conditions, Opening Year with and without proposed project, and General Plan Build-out Year with and without proposed project.
- There are significant differences between the proposed land use within the TIA and the Appendix 1.1: Scoping Agreement. Please provide a signed City Scoping Agreement that resolves this discrepancy.
- Please use approach C "Multiple Period Analysis" per HCM 6<sup>th</sup> Edition Chapter 19 in HCS7 for General Plan Build-out Year with and without proposed project for Caltrans facilities.

DOT-3

Mr. Norris  
May 16, 2018  
Page 2

If this development proposal is later modified in any way, please forward copies of revised plans as necessary so that we may reevaluate all proposed changes for potential impacts to the SHS.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 806-3957 or myself at (909) 383-4557 for assistance.

DOT-4

Sincerely,



MARK ROBERTS, AICP  
Office Chief  
Intergovernmental Review, Community and Regional Planning

California Department of Transportation, District 8  
464 West 4<sup>th</sup> Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92401

Letter Dated May 16, 2018

Comment DOT-1

*We have completed the review of the initial study of Notice of Preparation (NOP) for the above named project for the General Planned Amendment, Change of Zone, and Parcel Map. Proposal is to change land use designation to commercial retail, to change the zoning to general commercial, tentative parcel map is proposed to subdivide the site into 8 commercial parcels and one Right of Way (ROW) parcel.*

Response DOT-1

The commentor cites the Draft EIR (EIR) NOP/IS. Close of comments date on the NOP/IS, as established by the Lead Agency, was February 26, 2018. The EIR for the proposed Lewis Retail Project (Project) has been provided to California Department of Transportation (DOT). Responses to DOT comments in the context of the EIR are presented here. As noted by the commentor, Project discretionary actions include a proposed General Plan Land Use Amendment, Change of Zone, and Parcel Map. The EIR Project Description does not identify specific parcelization that would result from the proposed Parcel Map.

Findings and conclusions of the EIR are not affected.

Comment DOT-2

*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. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Eastvale due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.*

### Response DOT-2

DOT authority and responsibilities as owner and operator of the SHS are acknowledged. The EIR at Section 4.2, *Transportation/Traffic*; and accompanying Traffic Impact Analysis (TIA, EIR Appendix B) substantiate that the Project would not result in potentially significant impacts at SHS facilities.

Findings and conclusions of the EIR are not affected.

### Comment DOT-3

*We recommend the following:*

- *Fair Share calculations.*
- *The City of Eastvale's General Plan classifies the land use within this area as Medium Density Residential; therefore, a GP Amendment is required. As such, the TIA must be revised and should analyze the following scenarios: Existing Conditions, Opening Year with and without proposed project, and General Plan Build-out Year with and without proposed project.*
- *There are significant differences between the proposed land use within the TIA and the Appendix 1.1 : Scoping Agreement. Please provide a signed City Scoping Agreement that resolves this discrepancy.*
- *Please use approach C "Multiple Period Analysis" per HCM 6th Edition Chapter 19 in HCS7 for General Plan Build-out Year with and without proposed project for Caltrans facilities.*

### Response DOT-3

Listed DOT recommendations are addressed below:

1. Fair-share percentages are provided at EIR Tables 4.2-9, 4.2-10; and at TIA Tables 1-4, 1-5;
2. All Project impacts to the State Highway System (SHS) under General Plan Buildout conditions would be addressed through Project payment of requisite Transportation Uniform Mitigation Fees (TUMF). Payment of TUMF represents the Project proportional impact to, and fair share for mitigation of, impacts to the SHS. Known long-range SHS improvements required within the Study Area, i.e., improvement of

the interchange of Limonite Avenue and Interstate 15, is already in planning stages for the ultimate right-of-way development; with construction of the improvements scheduled to begin this summer. Pursuant to the current planned and programmed improvements, the interchange would be completed to its ultimate configuration.

Because the scheduled improvements to the interchange of Limonite Avenue and Interstate 15, and any other future improvements to the SHS attributable to development of the City under General Plan Buildout conditions would be addressed through payment of TUMF, and the Project is already subject to and would pay all requisite TUMF, additional analysis of the SHS under General Plan Buildout conditions would yield no new or substantive information regarding Project impacts. Please refer also to the discussion of TUMF payment requirements presented at EIR pp. 4.2-28, 4.2-29, et al. On this basis, the Lead Agency determined that an analysis of SHS facilities under General Plan Buildout conditions was not warranted and therefore was not provided.

Other analytic scenarios recommended by the commentor (Existing Conditions, Opening Year with and without Project) are presented in the EIR and TIA. Please refer to EIR Section 4.2, *Transportation/Traffic*; and the TIA (EIR Appendix B). No revisions are proposed.

3. The Scoping Agreement presented at TIA Appendix 1.1 responds to the City's initial Request for Proposal (RFP). The Project development concepts have evolved since the initial RFP. The TIA nonetheless accurately and appropriately evaluates the Project as currently envisioned and as described in the EIR (see: EIR Section 3.0, *Project Description*).

4. DOT recommended use of "*approach C 'Multiple Period Analysis' per HCM 6th Edition Chapter 19 in HCS7*" for analysis of General Plan Buildout conditions is acknowledged. As noted previously, the City as the Lead Agency has determined that an analysis of General Plan Buildout Conditions is not warranted. Traffic modeling protocols employed in the TIA were developed and applied in consultation with the City and

are considered accurate and appropriate for the purposes of evaluating the Project's potential traffic impacts. No revisions are proposed.

Findings and conclusions of the EIR are not affected.

Comment DOT-4

*If this development proposal is later modified in any way, please forward copies of revised plans as necessary so that we may reevaluate all proposed changes for potential impacts to the SHS.*

*We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 806-3957 or myself at (909) 383.4557 for assistance.*

Response DOT-4

Copies of revised plans (if any) that may affect SHS facilities will be provided as requested. The City appreciates DOT participation in the Project CEQA review process. Commentor contact information is noted.

Findings and conclusions of the EIR are not affected.

JASON E. UHLEY  
General Manager-Chief Engineer



RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

May 16, 2018

City of Eastvale  
Planning Department  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

Attention: Eric Norris

Re: NOA of DEIR Lewis Retail Project

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

RCFC-1

The District has not reviewed the proposed project in detail and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

- This project is located within the limits of the District's Eastvale Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- Appendix H, Pages 1-3 under the "Hydraulic Analysis Section" of the Polopolus Preliminary Hydrology Report for APN 152-060-003 (TPM 37492) indicates that the existing District Master Drainage Plan facility Line H originally excluded the site but per the memo entitled "Preliminary Offsite Hydrology and Hydraulic Study for the Polopolus Project" dated June 24, 2017, flows have been redirected resulting in less runoff to Line H. We request the City provide a city-approved copy of the memo, and ensure that the District-maintained master drainage facilities will not be adversely impacted.

RCFC-2

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

RCFC-3

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

*Mike M. Wong*  
MIKE WONG  
Engineering Project Manager

c: Riverside County Planning Department  
Attn: Kristi Lovelady

RM:blm

Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, CA 92501

Letter Dated May 16, 2018

Comment RCFC-1

*The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.*

Response RCFC-1

The City acknowledges that the District does not normally recommend conditions for land development projects and does not provide Division of Real Estate letters or flood hazard reports. The appreciates the district providing general information regarding the Project.

Comment RCFC-2

*The District has not reviewed the proposed project in detail and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:*

- This project is located within the limits of the District's Eastvale Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.*
- Appendix H, Pages 1-3 under the "Hydraulic Analysis Section" of the Polopolus Preliminary Hydrology Report for APN 152-060-003 (TPM 37492) indicates that the*

*existing District Master Drainage Plan facility Line H originally excluded the site but per the memo entitled "Preliminary Offsite Hydrology and Hydraulic Study for the Polopolus Project" dated June 24, 2017, flows have been redirected resulting in less runoff to Line H. We request the City provide a city-approved copy of the memo, and ensure that the District-maintained master drainage facilities will not be adversely impacted.*

Response RCFC-2

The City further acknowledges that the Applicant will be required to pay the prevailing flood control fees prior to the issuance of any grading permits for the Project. Approval of the Project will include a condition of approval requiring these fees to be remitted prior to the issuance of said permit.

The District is correct and the Draft EIR (EIR, p. 4.8-18) acknowledges that flows have been redirected resulting in less runoff directed to Line H. As requested, a copy of the City-approved memo acknowledging this redirection of the storm water to Line H has been appended to this Final EIR at Appendix A.

Comment RCFC-3

*GENERAL INFORMATION*

*This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.*

*If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.*

*If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and*

*Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.*

### Response RCFC-3

The extreme southeasterly limits of the Project site are designated AE, subject to 100-year inundation. The Project does not propose or require any grading or other development activities within areas designated AE. All development within the subject site would occur within areas designated Zone X, "Area of Minimal Flooding." The Project site is not subject to potentially significant flood hazards. No mitigation for potential flood hazards is required.

The W-1 Zone designation affecting the Project site is an inherited remnant County of Riverside land use classification pre-dating incorporation of the City. The City has never considered this area of the City or the Project site to be "highly protected." If approved by the City, the Project site land use designations would be amended reflecting the site's current status and appropriate potential uses. To allow for the Project uses, a General Plan Land Use Amendment from Medium Density Residential to Commercial Retail is proposed. A correlating Zoning Change for Site 1 (from Watercourse, Watershed and Conservation Area [W-1] and Rural Residential [R-R] to General Commercial (C- 1/C-P) is also proposed (EIR, p. 1-13, et al.).

According to the biological investigation conducted for the Site 1, there are no riparian areas or sensitive vegetation communities within or adjacent to the Project site. Therefore, the project would not result in direct or indirect impacts to riparian areas or sensitive vegetation communities (Baker 2017). No impact would occur. The biological report acknowledges that Site 2 has been regularly cleared of weeds and debris for more than ten years; as a result, there are no biological resources associated with the site.

Similarly, according to the habitat assessment conducted for the Project site, no jurisdictional drainage and/or wetland features were observed within the Project site during the field survey. Therefore, development of the Project site would not result in impacts to Corps, Regional Board, or California Department of Fish and Wildlife (CDFW) regulatory waters and regulatory approvals would not be required (Baker 2017). No impacts would occur.

Findings and conclusions of the EIR are not affected.



# South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

May 15, 2018

[enorris@eastvaleca.gov](mailto:enorris@eastvaleca.gov)

Eric Norris, Planning Director  
City of Eastvale – Planning/Engineering/Building Department  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

## Draft Environmental Impact Report (EIR) for the Proposed Lewis Retail and Civic Center (PLN17-20015) and Al's Corner (PLN17-20029)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comment is meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

### Project Description

The Lead Agency proposes to develop various commercial, retail, service, office, and civic uses within two noncontiguous properties: Site 1 and Site 2 (Proposed Project). Specifically, the Lead Agency proposes to develop a gasoline station with eight fueling pumps, four restaurants totaling 15,500 square feet, 4,000 square feet of retail uses, a 10,000-square-foot medical office, a hotel with 130 rooms, and 65,000 square feet of civic uses on 23 acres (Site 1)<sup>1</sup>. Additionally, the Lead Agency proposes to develop another gasoline station with 16 fueling pumps on 1.38 acres (Site 2)<sup>2</sup>. Based on a review of aerial photographs and Figure 3.3-2, *Vicinity Land Uses*, in the Draft EIR, SCAQMD staff found that existing residential uses are located immediately to the north, east, and southwest of Site 1, and Site 2 is also surrounded by existing residential uses. Additionally, according to Figure 3.4-1, *Site Plan Concept*, in the Draft EIR, the gasoline station will be located immediately south of existing residential uses on "PAD-1". Construction of the Proposed Project is expected to take approximately 12 months and be completed in year 2019<sup>3</sup>.

AQMD-1

### Compliance with SCAQMD Rules

As stated in the comment letter on the Notice of Preparation of a Draft EIR for the Proposed Project<sup>4</sup>, since the Proposed Project includes gasoline service stations, operation of the gasoline service stations will require SCAQMD permit(s). SCAQMD should be identified as a Responsible Agency for this Project in the Final EIR. The assumptions in the air quality analysis in the Final EIR will be the basis for permit conditions and limits.

AQMD-2

The Draft EIR discussed SCAQMD Rule 402 and Rule 461<sup>5</sup>. The Final EIR should also include a discussion to demonstrate compliance with SCAQMD Rule 201 – Permit to Construct and Rule 203 – Permit to Operate. If there are permitting questions concerning the gasoline service station, they can be directed to SCAQMD Engineering and Permitting staff at (909) 396-2551.

### Health Risk Assessment

As stated above, the Proposed Project would be sited in close proximity to sensitive receptors (e.g., residential uses). Benzene, which is a toxic air contaminant, may be emitted from the Proposed Project's

AQMD-3

<sup>1</sup> Draft EIR, Table 3.4.1, Page 3-9.

<sup>2</sup> *Ibid.*

<sup>3</sup> Draft EIR, Page 3-11.

<sup>4</sup> South Coast Air Quality Management District, February 15, 2018. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/noplewisretail-021518.pdf>.

<sup>5</sup> Draft EIR, Pages 4.3-39 and 42.

gasoline refueling operations. SCAQMD staff is concerned about the potential health impacts on the residents from being exposed to benzene. As such, it is recommended that the Lead Agency evaluate, quantify, and perform a health risk assessment for the Proposed Project in the Final EIR. Guidance for performing a gasoline dispensing station health risk assessment can be found in the SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*<sup>6</sup>.

AQMD-3  
cont'd.

Guidance Regarding Gasoline Dispensing Facilities Sited Near Sensitive Receptors

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 SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*<sup>7</sup> in 2005. Additionally, it is recommended that a 50-foot separation between a gasoline dispensing facility and sensitive land uses (e.g., residential uses)<sup>8</sup>. SCAQMD staff recommends that the Lead Agency review and consider these guidance when making local planning and land use decisions.

AQMD-4

Mitigation Measures

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. Because the Proposed Project's localized air quality impacts from PM10 emissions were found to exceed SCAQMD air quality CEQA localized significance threshold<sup>9</sup>, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measure in the Final EIR. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website<sup>10</sup>.

- To further reduce particulate matter emissions during construction and minimize their impacts on nearby residents, SCAQMD staff recommends that the Lead Agency use construction equipment fitted with CARB verified Level 3 Diesel Particulate Filters (DPF) for off-road diesel-powered construction equipment of 50 horsepower or more that are utilized during grading or site preparation operations. Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions<sup>11</sup>. A list of CARB verified DPFs are available on the CARB website<sup>12</sup>.

AQMD-5

Additionally, in the Draft EIR, the Lead Agency found that the Proposed Project would cause significant and unavoidable NOx emissions during operation<sup>13</sup> and identified no feasible mitigation measures because "neither the Project Applicant nor Lead Agency has any regulatory control over these vehicular-source emissions. Rather, vehicular-source NOx emissions are regulated by CARB and USEPA"<sup>14</sup>.

SCAQMD staff recommends that the Lead Agency use its best efforts to identify mitigation measures to reduce vehicular-source NOx emissions. While CEQA allows the approval of a project, despite its significant and unavoidable environmental impacts, when such impacts are outweighed by the project's economic, legal, social, technological, or other benefits, it does not remove the Lead Agency's powers or responsibilities to mitigate or avoid significant environmental impacts. Mitigation measures that are

<sup>6</sup> South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

<sup>7</sup> South Coast Air Quality Management District. May 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Accessed at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>.

<sup>8</sup> California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. Page 4. Accessed at: <https://www.arb.ca.gov/ch/handbook.pdf>.

<sup>9</sup> Draft EIR. Table 4.3-7. Page 4.3-35.

<sup>10</sup> South Coast Air Quality Management District. *CEQA Air Quality Handbook*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

<sup>11</sup> California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: [https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04\\_workshop.pdf](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>12</sup> *Ibid*. Page 18.

<sup>13</sup> Draft EIR. Table 4.3-6. Page 4.3-29.

<sup>14</sup> Draft EIR. Executive Summary. Table 1.10-1. Page 1-55.

Eric Norris

3

May 15, 2018

capable of reducing the Proposed Project’s vehicle-source NOx emissions may include, but not limited to, provision of shuttle services, designation of parking locations for carpool and vanpool for employees and/or visitors, inclusion of bicycle and pedestrian measures such as sidewalks and bicycle lanes, and provision of electric vehicles (EV) charging stations (at a minimum, the electric infrastructure).

For the EV charging stations, the Lead Agency should require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from the Proposed Project. It is important to make this electrical infrastructure available when the Proposed Project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

AQMD-5  
cont'd.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

Since the Proposed Project would include demolition<sup>15</sup>, asbestos may be encountered. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities<sup>16</sup> in the Final EIR.

AQMD-6

Closing

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

AQMD-7

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.

Sincerely,



Lijin Sun, J.D.  
Program Supervisor, CEQA IGR  
Planning, Rule Development & Area Sources

LS  
RVC180406-03  
Control Number

<sup>15</sup> Draft EIR. Page 1-5.

<sup>16</sup> South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>

South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Letter Dated May 15, 2018

Comment AQMD-1

*The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comment is meant as guidance for the Lead Agency and should be incorporated into the Final EIR.*

Project Description

*The Lead Agency proposes to develop various commercial, retail, service, office, and civic uses within two noncontiguous properties: Site 1 and Site 2 (Proposed Project). Specifically, the Lead Agency proposes to develop a gasoline station with eight fueling pumps, four restaurants totaling 15,500 square feet, 4,000 square feet of retail uses, a 10,000-square-foot medical office, a hotel with 130 rooms, and 65,000 square feet of civic uses on 23 acres (Site 1). Additionally, the Lead Agency proposes to develop another gasoline station with 16 fueling pumps on 1.38 acres (Site 2). Based on a review of aerial photographs and Figure 3.3-2, Vicinity Land Uses, in the Draft EIR, SCAQMD staff found that existing residential uses are located immediately to the north, east, and southwest of Site 1, and Site 2 is also surrounded by existing residential uses. Additionally, according to Figure 3.4-1, Site Plan Concept, in the Draft EIR, the gasoline station will be located immediately south of existing residential uses on "PAD-1". Construction of the Proposed Project is expected to take approximately 12 months and be completed in year 2019.*

Response AQMD-1

The Lead Agency acknowledges, and herein has provided responses to, comments offered by the South Coast Air Quality Management District (SCAQMD). Where considered appropriate by the Lead Agency, SCAQMD guidance and recommendations have been incorporated in this Final EIR. Findings and conclusions of the EIR are not affected.

The Project description as summarized by the commentor is materially correct (please refer also to EIR Section 3.0, *Project Description*).

#### Comment AQMD-2

##### Compliance with SCAQMD Rules

*As stated in the comment letter on the Notice of Preparation of a Draft EIR for the Proposed Project, since the Proposed Project includes gasoline service stations, operation of the gasoline service stations will require SCAQMD permit(s). SCAQMD should be identified as a Responsible Agency for this Project in the Final EIR. The assumptions in the air quality analysis in the Final EIR will be the basis for permit conditions and limits.*

*The Draft EIR discussed SCAQMD Rule 402 and Rule 461. The Final EIR should also include a discussion to demonstrate compliance with SCAQMD Rule 201 – Permit to Construct and Rule 203 – Permit to Operate. If there are permitting questions concerning the gasoline service station, they can be directed to SCAQMD Engineering and Permitting staff at (909) 396-2551.*

#### Response AQMD-2

It is understood that the Applicant would comply with all applicable AQMD regulations. In addition to compliance with SCAQMD Rule 402 and Rule 461 cited in the EIR it is specifically acknowledged that the Applicant would comply with pertinent provisions of SCAQMD Rule 201 – *Permit to Construct* and Rule 203 – *Permit to Operate*. Findings and conclusions of the EIR are not affected.

#### Comment AQMD-3

##### Health Risk Assessment

*As stated above, the Proposed Project would be sited in close proximity to sensitive receptors (e.g., residential uses). Benzene, which is a toxic air contaminant, may be emitted from the Proposed Project's gasoline refueling operations. SCAQMD staff is concerned about the potential health impacts on the residents from being exposed to benzene. As such, it is recommended that the Lead Agency evaluate, quantify, and perform a health risk assessment for the Proposed Project in the Final EIR. Guidance for performing a gasoline dispensing station health risk assessment can be*

*found in the SCAQMD's Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations.*

### Response AQMD-3

The EIR recognizes that the Project gasoline dispensing facility may result in potentially hazardous conditions. The Project would however be required to comply with the provisions established by Section 2540.7, Gasoline Dispensing and Service Stations, of the California Safety and Health (Cal/OSHA) Regulations; Chapter 38, Liquefied Petroleum Gases, of the California Fire Code; Resource Conservation and Recovery Act requirements; and the Riverside County Fire Department requirements. Collectively, the routine inspection of the Project gas station, the USTs, and all associated fuel delivery infrastructure, along with the continued mandated compliance with all federal, State, and local regulations, would ensure that the Project gasoline dispensing facility would not result in potentially significant hazards/hazardous material impacts be less-than-significant (EIR, p. 4.7-21).

As requested by the commentor, a Project Health Risk Assessment (Project HRA)<sup>1</sup> has been prepared for the Project (please refer to Final EIR Appendix B). The Project HRA further substantiates that the Project gasoline dispensing facilities would not result in potentially significant hazards/hazardous material impacts. Result and conclusions of the EIR are not affected.

### Comment AQMD-4

#### *Guidance Regarding Gasoline Dispensing Facilities Sited Near Sensitive Receptors*

*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 SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. Additionally, it is recommended that a 50-foot separation between a gasoline dispensing facility and sensitive land uses (e.g., residential uses).*

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<sup>1</sup> *Lewis Retail and Civic Center (PLN17-20015) and Al's Corner (PLN17-20029) Health Risk Assessment (Urban Crossroads, Inc.) June 7, 2018.*

*SCAQMD staff recommends that the Lead Agency review and consider these guidance when making local planning and land use decisions.*

#### Response AQMD-4

The Lead Agency acknowledges SCAQMD land use planning guidance. The greatest practical physical separation between the Project gasoline dispensing facility and sensitive land uses will be provided. As substantiated in the EIR and supporting technical analyses, including the Project HRA appended to this FEIR, the Project would not result in significant localized air quality impacts associated with the Project gasoline dispensing facility. Results and conclusions of the EIR are not affected.

#### Comment AQMD-5

##### Mitigation Measures

*CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. Because the Proposed Project's localized air quality impacts from PM10 emissions were found to exceed SCAQMD air quality CEQA localized significance threshold, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measure in the Final EIR. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website.*

- To further reduce particulate matter emissions during construction and minimize their impacts on nearby residents, SCAQMD staff recommends that the Lead Agency use construction equipment fitted with CARB verified Level 3 Diesel Particulate Filters (DPF) for off-road diesel-powered construction equipment of 50 horsepower or more that are utilized during grading or site preparation operations. Level 3 DPFs are capable of achieving at least 85 percent reduction in in particulate matter emissions. A list of CARB verified DPFs are available on the CARB website.*

*Additionally, in the Draft EIR, the Lead Agency found that the Proposed Project would cause significant and unavoidable NOx emissions during operation and identified no feasible mitigation measures because "neither the Project Applicant nor Lead Agency has any regulatory control over*

*these vehicular-source emissions. Rather, vehicular-source NOx emissions are regulated by CARB and USEPA”.*

*SCAQMD staff recommends that the Lead Agency use its best efforts to identify mitigation measures to reduce vehicular-source NOx emissions. While CEQA allows the approval of a project, despite its significant and unavoidable environmental impacts, when such impacts are outweighed by the project’s economic, legal, social, technological, or other benefits, it does not remove the Lead Agency’s powers or responsibilities to mitigate or avoid significant environmental impacts. Mitigation measures that are capable of reducing the Proposed Project’s vehicle-source NOx emissions may include, but not limited to, provision of shuttle services, designation of parking locations for carpool and vanpool for employees and/or visitors, inclusion of bicycle and pedestrian measures such as sidewalks and bicycle lanes, and provision of electric vehicles (EV) charging stations (at a minimum, the electric infrastructure).*

*For the EV charging stations, the Lead Agency should require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from the Proposed Project. It is important to make this electrical infrastructure available when the Proposed Project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.*

#### Response AQMD-5

##### **Localized PM/PM<sub>2.5</sub> Construction-Source Emissions Impacts**

The EIR substantiates that Project localized construction-source PM<sub>10</sub>/PM<sub>2.5</sub> emissions impacts would be less-than-significant as mitigated pursuant to implementation of Mitigation Measure 4.3.2 (EIR, pp. 4.3-34 – 4.3-36). Further mitigation is not required. The Lead Agency will consider AQMD comments regarding imposition of additional

mitigation addressing localized construction-source PM<sub>10</sub>/PM<sub>2.5</sub> emissions impacts in its review of the Project. Results and conclusions of the EIR are not affected.

### **Regional Operational-Source NO<sub>x</sub> Emissions Impacts**

As noted by the Commentor, the EIR recognizes Project Operational-source NO<sub>x</sub> emissions impacts as significant and unavoidable. Certain of the measures cited by the commentor (e.g., designation of parking locations for carpool and vanpool for employees and/or visitors, inclusion of bicycle and pedestrian measures) are already provided by the Project or are required by existing Code(s) (EIR, pp. 4.2-47, 4.4-21, et al.). Of the total operational-source NO<sub>x</sub> emissions generated by the Project, more than 97 percent (by weight) are due to Project-related traffic. The measures listed by the commentor may nominally reduce Project traffic and related vehicular-source NO<sub>x</sub> emissions impacts. However, the EIR correctly discloses the Project regional operational-source NO<sub>x</sub> emissions impacts as significant and unavoidable. As means of generally reducing NO<sub>x</sub> emissions impacts, the following mitigation measure is incorporated in the EIR:

*4.3.3 Prior to issuance of Certificate of Occupancy for each of the Project areas identified below, a minimum of 10 electric vehicle (EV) charging stations shall be installed and distributed throughout the site as follows:*

- *Lewis Retail/Commercial Facilities: a minimum of 4 EV charging stations*
- *Hotel: a minimum of 2 EV charging stations*
- *Civic Center: a minimum of 4 EV charging stations*

Even after application of Mitigation Measure 4.3.3, NO<sub>x</sub> emissions impacts would remain significant and unavoidable.

The commentor offers that “[v]ehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NO<sub>x</sub> impacts from the Proposed Project.” While this proposition may be true in the abstract, it presupposes that the preponderance of vehicles accessing the Project would be partially or wholly electrically powered. Such however, is not the case. Patrons of the Project purchase and operate personal vehicle

types of their own choosing, predominantly gasoline-powered vehicles. Neither the Applicant or the Lead Agency can control the types of vehicles accessing the Project.

While provision of EV charging stations by the Project pursuant to Mitigation Measure 4.3.3 may facilitate charging of EV's already owned by patrons, there is no evidence to suggest that provision of EV charging stations at the Project site would result in a major market shift in consumer preference away from gasoline-powered vehicles to partially or wholly electrically charged vehicles, thereby substantively reducing Project operational-source NOx emissions. Rather, substantive reductions in NOx emissions are realized through CARB and EPA regulatory actions, and state infrastructure plans and incentive programs that are beyond the control of the Applicant and the Lead Agency. Findings and conclusions of the EIR are not affected.

#### Comment AQMD-6

##### *SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities*

*Since the Proposed Project would include demolition, asbestos may be encountered. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities in the Final EIR.*

#### Response AQMD-6

Asbestos-Containing Materials (ACMs) are not present within Site 2 (Al's Corner) (EIR, p. 4.7-7). The Project Phase I/Phase II Environmental Assessments (EIR Appendix G) do not identify ACMs as a recognized environmental condition affecting the Project site. Any unknown ACMs that may encountered would be removed and disposed in compliance with applicable regulations. Nor is there otherwise substantial evidence that the Project site otherwise contains ACMs, or that the Project would otherwise contribute to or exacerbate ACM hazards.

## Comment AQMD-7

### Closing

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

*SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.*

## Response AQMD-7

Written responses to SCAQMD comments have been provided pursuant to Public Resources Code Section 21092.5 and CEQA Guidelines Section 15088. Contact information provided by SCAQMD is noted. Result and conclusions of the EIR are not affected.

**From:** Fossum, Larry (TRBL) <[lfossum@aguacaliente.net](mailto:lfossum@aguacaliente.net)>

**Sent:** Monday, April 16, 2018 3:52:39 PM

**To:** Eric Norris

**Subject:** Lewis Retail Project (No. 2017101024)

Dear Eric:

A records check of the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to other tribes in the area. This letter shall conclude our consultation efforts.

ACB-1

Cordially,

Larry Fossum

On behalf of

Patricia Garcia-Plotkin

Director of Historic Preservation

The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer

Agua Caliente Band of Cahuilla Indians  
No Address Provided

Email Dated April 16, 2018

Comment ACB-1

*A records check of the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to other tribes in the area. This letter shall conclude our consultation efforts.*

Response ACB-1

The commentor states that the Project site is located outside of their Tribe's Traditional Use Area and defers to other tribes in the area. The Lead Agency appreciates the commentor's response and participation in review of the Project specifically and in the CEQA process generally. Results and conclusions of the EIR are not affected.

May 21, 2018

**Corporate Headquarters**  
3788 McCray Street  
Riverside, CA 92506  
951.686.1070

**Palm Desert Office**  
41-990 Cook St., Bldg. I-801B  
Palm Desert, CA 92211  
951.686.1070

**Murrieta Office**  
41870 Kalmia Street #160  
Murrieta, CA 92562  
951.686.1070

Mr. Eric Norris  
Planning Director  
**City of Eastvale**  
12363 Limonite Avenue Suite 910  
Eastvale, CA 91752

*Transmitted via electronic mail*

**RE: Comments on the Draft Environmental Impact Report for the Lewis Retail Project (SCH 2017101024)**

On behalf of the Jurupa Community Services District (JCSD), Albert A. Webb Associates (WEBB), as consultants to JCSD, has reviewed and commented on the Draft Environmental Impact Report (DEIR) for the proposed Lewis Retail Project (proposed Project). As discussed in Section 1.2.9.1 of the DEIR, JCSD is responsible for providing water and sewer services to the Project. We provide the following comments, which focus primarily on the discussions of water and wastewater:

WEBB-1

1. WEBB's comments submitted on behalf of JCSD are not accurately summarized in DEIR Table 1.6-1 – List of NOP/AB 52 Respondents and Summary of Comments/Responses. Specifically, comment 6 in WEBB's February 28, 2018 letter regarding the Project's water demand is not included in the summary and the requested clarification was not provided in the DEIR.

WEBB-2

We request that the Final EIR include a discussion that clarifies the proposed Project's water demand for the Potential Maximum Development and the Initial Increment Development for both Site 1 and Site 2 based on the information in DEIR Tables 1.2-1, 1.2-2, 3.4-1, and 3.4-2. Please show the assumptions and calculations used to determine the water demand.

WEBB-3

2. We note that the Project description in the DEIR has changed from the Project as described in the IS/NOP.
3. Section 1.3.1 and Section 3.6.2 of the DEIR accurately notes that approval from JCSD for water and wastewater connections will be required for the Project

WEBB-4

WEBB-5

4. Because the Project includes a change of zone and General Plan Amendment to change the land use designation from Medium Density Residential to Commercial Retail and a Change of Zone to change the zone from Rural Residential (R-R) and Watercourse, Watershed, and Conservation Area (W-1) to General Commercial (C-1/C-P), please clarify the effects of these proposed land use and zone changes with regard to JCSDs Urban Water Management Plan (UWMP) and master plans for wastewater treatment.

WEBB-6

5. Please clarify in the Final EIR that as the agency that will provide water and wastewater services to the proposed Project, JCSD is a responsible agency for CEQA purposes. DEIR Section 2.3 – Lead and Responsible Agencies does not identify JCSD as a responsible agency.

WEBB-7

6. The medical office, hotel, City Hall, and public library are not considered as part of the initial development for Site 1 and the gas station and market are not considered as part of the initial development for Site 2. However, there is no discussion in the DEIR as to when development of these uses is anticipated. Please clarify in the Final EIR when these uses are expected to be developed.

WEBB-8

7. Table 1.6-1 of the DEIR noted that "Will-Serve" letters were issued by JCSD on March 27, 2018 indicating that JCSD will provide water and sewer services to the Project upon compliance with JCSD rules, regulations, and payment of appropriate fees for commercial projects. Please note that the proposed Project will also be required to undergo an industrial waste review to determine the need for a commercial discharge permit and any additional associated sewer fees. This statement is partially correct.

WEBB-9

On March 26, 2018, the JCSD Board of Supervisors considered and approved the request for Initial Water and Sewer Availability Letter for Site 1. This water and sewer availability letter was based on development that included: 31,600 square feet (SF) of retail, a 130 room hotel, a 25,000 SF foot Civic Center, and a 20,000 SF. This Initial Water and Sewer Availability Letter for Site 1 does not match the potential maximum development for Site 1 described in the DEIR. Further, there is no mention in the DEIR that JCSD has considered water and sewer availability for Site 2. Therefore, prior to development, an updated Water and Sewer Availability Letter must be submitted to the Board of Directors for its consideration. Please clarify in the Final EIR whether obtaining the Water and Sewer Availability Letters will be a Condition of Project Approval.

WEBB-10

8. The Project applicant must provide JCSD with fire flow requirements and conditions of approval from the Riverside County Fire Department in order to determine the adequacy of the existing water system. Please include this discussion in the Final EIR.

WEBB-11

9. DEIR Section 3.4.12 states that "The Project would install recycled water distribution system (sic) for landscaping and connect reclaimed water system(s) (sic) when available to the Project Site. (DEIR, p. 3-19.) Be advised that JCSD is currently investigating the potential use of reclaimed water (including but not limited to non-potable groundwater for irrigation purposes) for the Project area. The developer of the proposed Project will be required to participate in the final adopted program with regard to

WEBB-12

Mr. Eric Norris  
Comments on the DEIR for the Lewis Retail Project  
(SCH No. 2017101024)  
Page 3

providing a non-potable water supply source and related infrastructure improvements for parks and greenbelt areas.

↑  
WEBB-12  
cont'd.

Please provide the clarifications requested in comments #1 through #9 in the Final EIR.

The Project applicant will be required to contact JCSD to start the development processes for the proposed Project. The Project applicant will be required to submit plans and fees for sewer and water service. The Project applicant can find further information on the JCSD's fee schedules and development processes on the JCSD's website at [www.jcsd.us](http://www.jcsd.us).

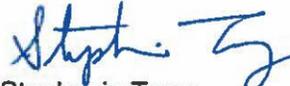
WEBB-13

If you have any questions regarding this letter please do not hesitate to contact the undersigned at [cheryl.degano@webbassociates.com](mailto:cheryl.degano@webbassociates.com) or (951) 686-1070.

Sincerely,

**ALBERT A. WEBB ASSOCIATES**

  
Cheryl DeGano  
Principal Environmental Analyst

  
Stephanie Tang  
Senior Environmental Analyst

c: Seungwon Won, Ph.D., P.E., JCSD

Albert A. Webb Associates  
3788 McCray Street  
Riverside, CA 92506

Letter Dated May 21, 2018

Comment WEBB-1

*On behalf of the Jurupa Community Services District (JCSD), Albert A. Webb Associates (WEBB), as consultants to JCSD, has reviewed and commented on the Draft Environmental Impact Report (DEIR) for the proposed Lewis Retail Project (proposed Project). As discussed in Section 1.2.9.1 of the DEIR, JCSD is responsible for providing water and sewer services to the Project. We provide the following comments, which focus primarily on the discussions of water and wastewater:*

Response WEBB-1

Albert A. Webb Associates (WEBB) is recognized as the responding consultant representing the Jurupa Community Services District (JCSD). Comments provided by WEBB are addressed in these Responses.

Findings and conclusions of the EIR are not affected.

Comment WEBB-2

*1. WEBB's comments submitted on behalf of JCSD are not accurately summarized in DEIR Table 1.6-1 - List of NOP/AB 52 Respondents and Summary of Comments/Responses. Specifically, comment 6 in WEBB's February 28, 2018 letter regarding the Project's water demand is not included in the summary and the requested clarification was not provided in the DEIR.*

Response WEBB-2

Project water demand estimates are revised per JCSD [WEBB] NOP Comment No. 6 as follows:

The Project total water demand is estimated at 90.206 acre-feet/year (AFY) or 80,531 gallons per day. Water demands of the Project would comprise approximately 0.67 percent (0.0067) of JCSD water treatment capacity.

Findings and conclusions of the EIR are not affected.

### Comment WEBB-3

*We request that the Final EIR include a discussion that clarifies the proposed Project's water demand for the Potential Maximum Development and the Initial Increment Development for both Site 1 and Site 2 based on the information in DEIR Tables 1.2-1, 1.2-2, 3.4-1, and 3.4-2. Please show the assumptions and calculations used to determine the water demand.*

### Response WEBB-3

Per the EIR Initial Study (EIR Appendix A), Project water demand estimates assume a conservative commercial/retail water demand factor of 3.7 ac-ft/acre/year.<sup>2</sup> On this basis, water demand of the Project is estimated as follows:

- Project Site 1 water demand: 23 acres x 3.7 ac-ft/acre/year = 85.1 AFY (75, 973 gpd).
- Project Site 2 water demand: 1.38 acres x 3.7 ac-ft/acre/year = 5.106 AFY (4,553 gpd).
- Total Project water demand: 85.1 AFY + 5.106 AFY = 90.206 AFY (80,531 gpd).

Project water demands are presented in order to establish the potential maximum impact scenario evaluated in the EIR. The EIR water demand estimates are not intended to allocate or identify water demand(s) for each increment of development, or each potential user. Development-specific water demand estimates will be provided to JCSD as the Project is further defined and prospective tenants are identified.

Findings and conclusions of the EIR are not affected.

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<sup>2</sup> Initial Study, p. 67. Note: WEBB analysis provided to JCSD (*JCSD Development Status and Water Demands – June 2015 Memorandum [WEBB] June 2015*) indicate a commercial water demand planning factor of 2.06 ac-ft/acre/year, considerably less than the 3.7 ac-ft/acre/year assumed in the Initial Study.

Comment WEBB-4

*2. We note that the Project description in the DEIR has changed from the Project as described in the IS/NOP.*

Response WEBB-4

The EIR Project Description incorporates the latest information available to the Lead Agency, and revisions are typical of iterative commercial development processes. The substantive Project is consistent with that presented in the IS/NOP.

Findings and conclusions of the EIR are not affected.

Comment WEBB-5

*3. Section 1.3.1 and Section 3.6.2 of the DEIR accurately notes that approval from JCSD for water and wastewater connections will be required for the Project.*

Response WEBB-5

Requisite JCSD approvals for Project water and wastewater connections are acknowledged.

Findings and conclusions of the EIR are not affected.

Comment WEBB-6

*4. Because the Project includes a change of zone and General Plan Amendment to change the land use designation from Medium Density Residential to Commercial Retail and a Change of Zone to change the zone from Rural Residential (R-R) and Watercourse, Watershed, and Conservation Area (W-1) to General Commercial (C-1/C-P), please clarify the effects of these proposed land use and zone changes with regard to JCSDs Urban Water Management Plan (UWMP) and master plans for wastewater treatment.*

Response WEBB-6

As discussed below, within the framework of the JCSD 2015 Draft Urban Water Management Plan (UWMP) and master plans for wastewater treatment, the Project's

incremental effects due to the requested GPA and zone change(s) would likely be indiscernible.

The most recent UWMP (2015) determined that JCSD (District) has sufficient water supplies to meet projected demands of the Service Area. The District estimates future water demand based on the best available information on current General Plan land use designations and development status (i.e., under construction, in plan-check, etc.), which is tracked for each parcel within the Service Area boundary. The District then applies unit demand factors for residential and non-residential land uses in order to track development and make projections of future water demand.

At the time the 2015 UWMP was adopted, the estimated water demand from Site 1 was accounted for in the UWMP based on a General Plan land use designation of Medium Density Residential (MDR), regardless of zoning designations. Site 2 was accounted for in the UWMP as a non-residential property (i.e., commercial) identified as “MS 4214” with an expired availability letter.

The JCSD unit demand factor for MDR land uses (5-8 dwelling units [DU] per acre), is 2.54 acre-feet per acre per year ([AFY/ac] or 1.57 gallons per minute [GPM] per acre). The JCSD unit demand factor for Commercial is 2.06 AFY/ac (or 1.28 GPM/acre). The JCSD unit demand factors have not changed since preparation of the 2015 UWMP.

The Project proposes to change the land use designations of both sites to Commercial. Because the Commercial land use has a lower unit demand factor than the MDR land use, Site 1 would create less water demand than what was planned for in the District’s demand projections reflected in the 2015 UWMP. The estimated water demand for Site 2 has not changed since preparation of the 2015 UWMP. Therefore, the combined water demand from Site 1 and Site 2 would be less than what was predicted and accounted for in the 2015 UWMP.

Based on the latest planning documents (the 2015 UWMP), the reduction in water demand would result in a corresponding reduction in anticipated wastewater generation.

Moreover, as noted in the Initial Study, pursuant to City Standard Conditions of Approval, once a development application is submitted, to fully address potential impacts on the Jurupa Community Services District (water and sewer services), the Applicant would be required to pay the established development impact fees in compliance with the Development Impact Fee Program presented at Chapter 110.28 of the City of Eastvale Municipal Code (Initial Study, p. 61).

Within the EIR analytic context, water and/or sewer demand resulting from the Project would not require new or expanded facilities, the construction of which would result in potentially significant environmental impacts. It is assumed that JCSD would amend the UWMP and master plan for wastewater treatment during those plans' next update cycle(s) to reflect the Project land uses as well as any other land uses changes or new development that may occur within the JCSD Service Area.

Findings and conclusions of the EIR are not affected.

Comment WEBB-7

*5. Please clarify in the Final EIR that as the agency that will provide water and wastewater services to the proposed Project, JCSD is a responsible agency for CEQA purposes. DEIR Section 2.3- Lead and Responsible Agencies does not identify JCSD as a responsible agency.*

Response WEBB-7

JCSD is recognized as a Responsible Agency for CEQA purposes.

Findings and conclusions of the EIR are not affected.

Comment WEBB-8

*6. The medical office, hotel, City Hall, and public library are not considered as part of the initial development for Site 1 and the gas station and market are not considered as part of the initial development for Site 2. However, there is no discussion in the DEIR as to when development of these uses is anticipated. Please clarify in the Final EIR when these uses are expected to be developed.*

Response WEBB-8

As discussed in the EIR, for analytic purposes, the EIR assumes full development and occupancy of all Project facilities by the Project Opening Year (2019) (EIR, p. 1-5, et al.). The Lead Agency has not yet established definitive timelines for each of the Project uses, or for each increment of Project development. Construction timing information will be provided to JCSD as such information becomes available.

Findings and conclusions of the EIR are not affected.

Comment WEBB-9

*7. Table 1.6-1 of the DEIR noted that "Will-Serve" letters were issued by JCSD on March 27, 2018 indicating that JCSD will provide water and sewer services to the Project upon compliance with JCSD rules, regulations, and payment of appropriate fees for commercial projects. Please note that the proposed Project will also be required to undergo an industrial waste review to determine the need for a commercial discharge permit and any additional associated sewer fees. This statement is partially correct.*

Response WEBB-9

As noted by the commentor, the Project would be subject to industrial waste discharge review and permitting processes. The Project would comply with all industrial waste permitting requirements.

Findings and conclusions of the EIR are not affected.

Comment WEBB-10

*On March 26, 2018, the JCSD Board of Supervisors considered and approved the request for Initial Water and Sewer Availability Letter for Site 1. This water and sewer availability letter was based on development that included: 31,600 square feet (SF) of retail, a 130 room hotel, a 25,000 SF foot Civic Center, and a 20,000 SF. This Initial Water and Sewer Availability Letter for Site 1 does not match the potential maximum development for Site 1 described in the DEIR. Further, there is no mention in the DEIR that JCSD has considered water and sewer availability for Site 2. Therefore, prior to development, an updated Water and Sewer Availability Letter must be submitted to the*

*Board of Directors for its consideration. Please clarify in the Final EIR whether obtaining the Water and Sewer Availability Letters will be a Condition of Project Approval.*

Response WEBB-10

As requested by JCSD, prior to development, an updated Water and Sewer Availability reflecting the incumbent scope of Project development will be provided to JCSD.

Findings and conclusions of the EIR are not affected.

Comment WEBB-11

*8. The Project applicant must provide JCSD with fire flow requirements and conditions of approval from the Riverside County Fire Department in order to determine the adequacy of the existing water system. Please include this discussion in the Final EIR.*

Response WEBB-11

As part of the City's established development review processes, fire flow requirements for the Project uses will be provided pursuant to City, JCSD, and the Riverside County Fire Department Conditions of Approval, including but not limited to any required improvement of the existing water system.

Findings and conclusions of the EIR are not affected.

Comment WEBB-12

*9. DEIR Section 3.4.12 states that "The Project would install recycled water distribution system (sic) for landscaping and connect reclaimed water system(s) (sic) when available to the Project Site. (DEIR, p. 3-19.) Be advised that JCSD is currently investigating the potential use of reclaimed water (including but not limited to non-potable groundwater for irrigation purposes) for the Project area. The developer of the proposed Project will be required to participate in the final adopted program with regard to providing a non-potable water supply source and related infrastructure improvements for parks and greenbelt areas.*

Response WEBB-12

The Applicant and Project developers would participate in the final adopted JCSD program with regard to providing a non-potable water supply source and related infrastructure improvements for parks and greenbelt areas.

Findings and conclusions of the EIR are not affected.

Comment WEBB-13

*Please provide the clarifications requested in comments #1 through #9 in the Final EIR.*

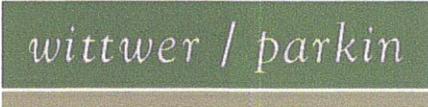
*The Project applicant will be required to contact JCSD to start the development processes for the proposed Project. The Project applicant will be required to submit plans and fees for sewer and water service. The Project applicant can find further information on the JCSD's fee schedules and development processes on the JCSD's website at [www.jcsd.us](http://www.jcsd.us).*

*If you have any questions regarding this letter please do not hesitate to contact the undersigned at [cheryl.degano@webbassociates.com](mailto:cheryl.degano@webbassociates.com) or (951) 686-1070.*

Response WEBB-13

Responses to JCSD comments are provided herein. The Applicant will timely submit all requisite and fee plans to JCSD. Commentor contact information is noted.

Findings and conclusions of the EIR are not affected.



May 21, 2018

**Sent Via Email**

Eric Norris, Planning Director  
City of Eastvale  
Planning/Engineering/Building Department  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752  
enorris@eastvaleca.gov

**Re: Lewis Retail and Civic Center and AI's Corner DEIR**

Dear Mr. Norris:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in the environmental impacts of development projects, such as the Lewis Retail and Civic Center and AI's Corner project (Project). The City of Eastvale (City) issued a Notice of Availability of its preparation of a Draft Environmental Impact Report (DEIR) for the Project on April 5, 2018. In the DEIR, the City determined the Project would have a significant effect on several aspects of the environment.

WP-1

The Project would comprise 24.38 acres shared across two sites, identified in the Initial Study as Site 1 (23 acres), and Site 2 (1.38 acres). For Site 1, the Project Proponent, Lewis Development, LLC, has applied for approval of the Lewis Retail and Civic Center. The Lewis Retail and Civic Center would contain a variety of proposed uses, including a gas station, four restaurants, retail space, a medical office, a 130-room hotel, a new City Hall, and a public library. The City describes the maximum buildout of the Project as follows:

- Gas station w/market - 8 Vehicle Fueling Positions
- Restaurant: Fast food with drive-through - 3,500 Square Feet (SF)
- Restaurant: Coffee shop with drive-through - 2,000 SF
- Restaurant: High-turnover sit-down - 6,000 SF
- Restaurant: Fast food without drive-through - 4,000 SF
- Retail - 4,000 SF
- Medical office - 10,000 SF

WP-2

- Hotel - 130 Rooms
- Civic: Government office (City Hall) - 40,000 SF
- Civic: Public library - 25,000 SF
- Gas station w/market and carwash - 16 Pumps

The Project would require several approvals, including:

- General Plan Amendments (Sites 1 and 2)
- Zone Change (Site 1) from Rural Residential and Watercourse, Watershed, and Conservation Area (W-1) to General Commercial.
- Tentative Parcel Map (Site 1) – subdivision into eight commercial parcels and one right-of-way parcel.
- Major Development Plan Reviews (Sites 1 and 2).

Southwest Carpenters presents its comments to specific sections of the DEIR, below.

WP-2  
cont'd.

**Project Description**

CEQA Guidelines define “project” as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” 14 Cal. Code Regs. § 15378(a). The Project Description must contain “A general description of the project’s technical, economic, and environmental characteristics.” 14 Cal. Code Regs. § 15124(c). Failure to adequately define the Project may invalidate EIR for the Project.

WP-3

First, the City has chosen to identify proposed approvals of development across both sites as the Project, thus reducing the risk that the City’s action could be accused of Project piecemealing or segmentation. See *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592; *Bozung v. Local Agency Formation Comm’n* (1975) 13 Cal.3d 263, 274, 283-284. This was Southwest Carpenters’ recommended approach its initial comment letter regarding the Project.

Regardless, the City fails to provide basic information regarding the project. For the structures for which the City has disclosed the square footage, the City now states all Project structures, combined, would occupy approximately 94,500 square feet, or under 2 acres of the 23 acres available. The City does not provide an estimate as to the site coverage for one of the proposed gas stations or the hotel, instead opting to describe each by the total number of pumps and rooms, respectively. The initial study does not explain the uses or development proposed to

WP-4

occur on the remaining 21 acres of the Project. The FEIR should clarify the proposed uses for the remainder of the Project site. For instance, it is unclear whether the reported square footage includes impervious surfaces, such as sidewalks and parking lots.

WP-4  
cont'd.

Further, the City's estimates for the size of the civic uses seem too high. Although it is possible to construct a 40,000 square foot City Hall and 25,000 square foot library, these estimates seem high. The EIR must provide accurate information to decisionmakers and members of the public. Please confirm the accuracy of these size estimates. Also, because the City has stated its intention to move its City Hall, please provide a discussion regarding future proposed uses of the old City Hall building and site, as the repurposing of this site will result in environmental effects indirectly caused by the Project. 14 Cal. Code Regs. § 15358(a)(2).

WP-5

The City still has not fully described its intended action regarding sites 1 and 2. For Site 2, please specify whether the City will lease or dispose of this property by selling or gifting this property to the applicant, bearing in mind that it is illegal for the City to provide a gift of public funds. (Const., Art. XVI, § 6.). Because the City is under statutory and constitutional conveyance constraints, it should identify if, and how, it intends to convey this property. If this sale has already occurred prior to Project approval, please disclose this.

WP-6

It is further concerning that the entirety of Site 1, the majority of which is proposed to contain civic uses, is being rezoned from residential to commercial. While it may be possible to construct public facilities within either zoning district, it is still concerning that there may be no impediments to devoting the entirety of the Project to commercial uses in the future. Please specify whether the Project will be conditioned upon subdivision and dedication of the relevant portions of the Site 1 property to the City, whether Project approval will be conditioned upon restricting the use of the remainder of the Parcel to civic/public facilities uses, or whether the Project will be deed restricted to only permit civic uses on those portions of the Project. If the City proposes none of these measures, please explain what assurances the public will have that the remainder of the Project site will not be converted to commercial uses in the future.

WP-7

### Alternatives

CEQA Guidelines § 15126.6(e)(2) states the City must identify the environmentally superior alternative: "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." The City does not indicate which is the environmentally superior alternative. Please identify the environmentally superior alternative.

WP-8

**Air Quality**

The City fails to consider the potential of the Project to attract diesel vehicles to either proposed gas station. Diesel engines generally have more lax emissions controls and the combustion of diesel fuel emits greater volumes of pollutants. Unless the Project is conditioned to prohibit the sale of diesel fuel, the Project could sell this fuel type, which would attract diesel vehicles into the Project neighborhood in greater numbers. This may have the potential to create significant localized emissions, which the City has not considered. Please specify whether the gas stations will be permitted to sell diesel. If so, please evaluate the impacts of this sale on the environment, especially as it relates to nearby sensitive residential uses. It is worth noting that the City has the power to condition Project approval on the prohibition of the sale of diesel and, thus, can mitigate the potential impacts arising from this sale.

WP-9

The City does not provide a cumulative air quality impacts analysis in its DEIR. "An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." 14 Cal. Code Regs. § 15130(a). "[A] cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." *Id.* Further, "[c]umulative impacts can result from individually minor but collectively significant projects taking place over a period of time." 14 Cal. Code Regs. § 15355(b). Here, the City's Air Quality section contains no discussion of cumulatively significant air quality impacts. Please add this discussion and recirculate the DEIR for further public commentary.

WP-10

**Biological Resources**

The City has determined the Project will have a less than significant impact on biological resources because Project surveys did not reveal the presence of protected species. As mentioned in our Notice of Preparation comments, "[a]lthough the Project site has been partially cleared, it may still serve as habitat for species that utilize nearby riparian habitat directly to the south and east of the Project site . . . . At a minimum, it would appear the Project site may serve as a buffer between development and this nearby riparian habitat." The Project borders an open field and is within one-third of a mile of healthy riparian habitat. (Attachment H.)

WP-11

At the very least, the City must consider and evaluate the potential of the Project to incidentally, or indirectly, affect wildlife. Failure to do so despite evidence of the presence of these species nearby constitutes an abuse of discretion.

**Greenhouse Gases**

Southwest Carpenters agrees with the City's assessment that the Project will generate significant volumes of greenhouse gas emissions, and that it will conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The City has estimated the Project will generate approximately 15,157 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) per year. Project uses, including the City Hall, restaurants, gas station, and hotel, will produce high numbers of new trips.

WP-12

Of particular importance, here, the City has not adopted a Climate Action Plan designed to reduce greenhouse gas emissions. Thus, the City must exercise extra care when analyzing greenhouse gas-related impacts and carefully disclose how the Project will impact statewide and local goals. The City must consider in its greenhouse gas analysis:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions

WP-13

*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217; 14 Cal. Code Regs. § 15064.4(b).

Here, the City relies on, inter alia, the California Air Resources Board's AB 32 Scoping Plan as a mitigation tool. The City failed to provide the analytical framework necessary to prove the City adequately and appropriately relied on the Scoping Plan, and other local and regional plans in its greenhouse gas analysis. The City, instead, commits the same flaws as did the Department of Fish and Wildlife in *Center for Biological Diversity*. As emphasized in *Center for Biological Diversity*, "In short, neither Assembly Bill 32 nor the Scoping Plan establishes regulations implementing, for specific projects, the Legislature's statewide goals for reducing greenhouse gas emissions. Neither constitutes a set of 'regulations or requirements adopted to implement' a statewide reduction plan within the meaning of Guidelines section 15064.4, subdivision (b)(3).'" *Id.* at 223. As was the case in *Center for Biological Diversity*, the City has not "related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects, and nothing . . . cited in the administrative record

WP-14

indicates the required [analysis] is the same for an individual project as for the entire state population and economy.” *Id.* at 225-226.

WP-14  
cont'd.

Other flaws in the City’s analysis of greenhouse gases include the failure to describe the environmental baseline and its failure to utilize an adequate significance threshold. “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published.” 14 Cal. Code Regs. § 15125(a). Here, the City provides information regarding global, national, and statewide greenhouse gas emissions but fails to disclose Project-level baseline emissions. Please disclose the levels of greenhouse gas emissions at the Project site as they existed at the time the Notice of Preparation was published in early 2018.

The City has elected to use the Southern California Air Quality Management District significance threshold of 3,000 MTCO<sub>2e</sub>. As the City notes, this threshold was designed to determine the significance of stationary source emissions. However, the City uses this threshold indiscriminately for both mobile and stationary sources. Please provide evidence that would support a finding that this threshold of significance is suitable to determine the significance of joint mobile and stationary greenhouse gas emissions.

WP-15

Further, the City admits it has not officially adopted this 3,000 MTCO<sub>2e</sub> threshold as its threshold of significance. “Thresholds of significance to be adopted for general use of the lead agency’s environmental review process must be adopted by ordinance, resolution, or regulation, and developed through a public review process and be supported by substantial evidence.” 14 Cal. Code Regs. § 15064.7(c). Please disclose whether the City has officially adopted this threshold of significance through the required procedure.

Also, regarding the City’s significance determination, it is unclear what the City’s ultimate conclusion was. The City states, on one hand that Project impacts are significant and unavoidable, and, on the other, that Project impacts are less than significant. Specifically, on page 4.4-47, the City states:

On this basis, the potential for the Project to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG is considered less-than-significant. **Level of Significance:** Less-Than-Significant.

WP-16

However, on page 4.4-35, the City concludes:

On this basis, quantified net GHG emissions generated by the Project would be cumulatively considerable, and the Project net GHG emissions impact would be cumulatively significant and unavoidable.

WP-16  
cont'd.

A Project cannot create both significant and less than significant impacts for greenhouse gases. Please clarify the City's conclusions as to the significance of the Project's greenhouse gas impacts.

Also of importance to the City's significance determination, the City concluded, "[t]he Project would not generate substantive [medium-duty] and [heavy-duty] truck traffic." However, it is unclear how the City arrived at this conclusion. As stated above, if the City does not prohibit the sale of diesel fuel, it should proceed under the assumption that such sale will occur, and that the Project will generate higher levels of medium-duty and heavy-duty vehicle traffic. Please provide further information to substantiate the City's conclusion that the Project will not encourage these categories of vehicle traffic.

WP-17

Finally, the City has failed to provide mitigation for the greenhouse gas impacts of the Project. "An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy." 14 Cal. Code Regs. § 15126.4(a)(1). "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." 14 Cal. Code Regs. § 15126.4(a)(2).

Here, the City concludes that no feasible mitigation measures exist to reduce the significant impacts of the Project, largely because the City states it has no regulatory authority over the mobile sources of the Project. However, the City *does* have regulatory authority over the proposed *uses* of the Project, which uses the City can condition upon the adoption of binding mitigation measures.

WP-18

Especially relevant to the City's conclusions, here, mitigation measures may include "[o]ff-site measures, including offsets that are not otherwise required, to mitigate a project's emissions." 14 Cal. Code Regs. § 15126.4(c)(3). Although the City may have limited control over mobile emissions, it does have control over Project design features that can be designed to offset these impacts. For instance, the City has not considered adding solar panels to the rooftops of the gas station and other proposed commercial and civic buildings, nor has the City considered the installation of electric vehicle charging stations, solar panel-covered parking, or programs designed to facilitate the use of public transportation or carpool-to-work. Also, the City has not considered requiring the Project applicant to purchase carbon offsets, which are perfectly tailored to address the City's concerns that regulation of mobile emissions is beyond its direct control. 14

Cal. Code Regs. § 15126.4(c)(3). Because greenhouse gas impacts are of cumulative statewide, national, and global concern, the State Legislature and the California Air Resources Board have determined the use of offsets to be acceptable in situations such as the Project's.

The City has not considered any potential mitigation measures to counteract the significant impacts of the Project, despite the ready and wide availability of such measures. The City's conclusion that there were no feasible mitigation measures was not supported by any other reasoning or evidence than its conclusion that it has no direct control over the mobile source emissions. This does not amount to substantial evidence that the City has considered all feasible mitigation measures to reduce these impacts. CEQA requires the City to do more to address the significant impacts of the Project. Please consider all feasible mitigation measures and disclose to the public all mitigation measures upon which the Project approval will be conditioned.

WP-18  
cont'd.

### **Hazards and Hazardous Materials**

The City determined that the Project has the potential to create significant hazards through the routine transport, use, disposal, or release of hazardous materials. Surveys of both sites uncovered multiple hazardous materials present on both sites, which may pose a threat to construction workers, employees, and the public.

However, the City has determined the impacts regarding hazards and hazardous materials during the operational phase of the Project will be less than significant. The Project will include a gas station and car wash, both of which will emit and handle hazardous or acutely hazardous materials. The City assumes compliance with local and state regulations will be sufficient to prevent significant impacts from occurring.

The City does not appear to consider the potential impacts from user spills at the pump, which will increase the toxicity and concentrations of hazardous materials generated on the Project site over time. (Attachments D, E, F, G.) It is also unclear what, if any, mitigation the City proposes to reduce the risk of gasoline spills and other accidents during transport. Further, the City does not address the hazardous materials used, and emitted by, car washes. (Attachments A, B, C.) These impacts are all the more concerning because they will occur in areas bordered by residential uses. Please address these impacts and provide mitigation as necessary.

WP-19

Southwest Carpenters takes any potential safety impacts seriously. The City should disclose all pertinent information regarding hazards and require mitigation that reduces potential hazards to workers and the public.

### Hydrology and Water Quality

The City states the Project does not fall within a 100-year flood zone; however, a portion of the Project appears to fall within a Special Hazard Flood Area, as shown on maps prepared by the Federal Emergency Management Agency. (Attachment I.) The DEIR should disclose the potential flood hazard for the Project and require necessary mitigation.

The City discloses that the majority of the Project is currently zoned as a Watercourse, Watershed, and Conservation Area. This is the most protective zoning designation available within the City's Zoning Code. While the Zoning Code contains a relatively sparse description of this zoning designation, it is clear from the list of permitted uses that the W-1 Zone is designed to protect wetland resources. However, the DEIR fails to address the impacts of removing Site 1 from the W-1 Zone. It is concerning that the City previously had determined this site needed to be highly protected but has now changed its mind without real explanation.

WP-20

### Noise

The City states the construction phase, as well as the car wash during the operational phase, of the Project will cause significant noise impacts. Regarding construction noise, the City states construction would be permitted to commence at either 6 or 7 AM, depending on the time of year. These start times seem early. Ambient noise levels tend to be much lower during the early morning, such that construction noises will be perceived to be much louder and will be more readily heard from greater distances. Please clarify whether any noise testing was conducted at 6 AM and 7AM to determine ambient noise levels during the early morning. If this testing has yet to be conducted, please conduct this testing, and include the testing results in the FEIR.

Similarly, the City permits the car wash to operate every night until 10 PM. As is true of morning ambient noise, evening ambient noise levels are much lower than comparable noise levels during peak traffic times or the middle of the day. Please specify whether the City has measured ambient noise levels at 10 PM, and disclose the significance of Project-generated noise levels in the context.

WP-21

The City did not provide a full discussion of cumulative noise impacts. While ambient noise testing captures currently existing ambient noise levels, this testing is not designed to forecast ambient noise levels from proposed and other reasonably foreseeable development within the area. For instance, the City has not modeled cumulative noise levels due to projected population increase, future construction, or future traffic volumes. Please provide a sufficient cumulative impacts analysis and recirculate the DEIR with this information.

**Conclusion**

Southwest Carpenters thanks the City for providing an opportunity to comment on the DEIR. Moving forward, please send all future notices relating to this Project to Nicholas Whipps at [nwhipps@wittwerparkin.com](mailto:nwhipps@wittwerparkin.com). Thank you for your consideration of these comments.

WP-22

Very truly yours,  
WITTWER PARKIN LLP



Nicholas Whipps

- Attachments: A: Occupational Hydrofluoric Acid Injury from Car and Truck Washing — Washington State, 2001–2013  
B: How Do I Handle My Professional Car Wash Wastewater?  
C: Class V UIC Study Fact Sheet: Car Wash Wells Without Undercarriage Washing or Engine Cleaning  
D: Dangerous Waste Guidance for Gas Stations  
E: Preventing Leaks and Spills at Service Stations  
F: Mora, Bernat and Markus Hilpert, 2017, Differences in Infiltration and Evaporation of Diesel and Gasoline Droplets Spilled onto Concrete Pavement, 9 Sustainability 1271  
G: Johns Hopkins Bloomberg School of Public Health. Small Spills at Gas Stations Could Cause Significant Public Health Risks Over Time. ScienceDaily. ScienceDaily, 7 October 2014.  
H: United States Fish & Wildlife Service. Information for Planning and Conservation Report, generated 21 May 2018.  
I: Federal Emergency Management Agency. Flood Map, accessed 21 May 2018.

**Wittwer/Parkin Letter Attachments  
are appended to this Final EIR at Appendix C**

Wittwer/Parkin LLP  
147 S. River Street, Suite 221  
Santa Cruz, CA 95060

Letter Dated May 21, 2018

(Wittwer/Parkin Letter Attachments are appended to this Final EIR at Appendix C.)

Comment WP-1

*This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.*

*Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in the environmental impacts of development projects, such as the Lewis Retail and Civic Center and Al's Corner project (Project). The City of Eastvale (City) issued a Notice of Availability of its preparation of a Draft Environmental Impact Report (DEIR) for the Project on April 5, 2018. In the DEIR, the City determined the Project would have a significant effect on several aspects of the environment.*

Response WP-1

Commentor representation of Southwest Regional Council of Carpenters (Southwest Carpenters) is acknowledged. Southwest Carpenters representation of regional carpenters and general interest in the environmental impacts of development projects is recognized. As noted by the commentor, the Draft Environmental Impact Report (DEIR, EIR) identifies and discloses significant environmental impacts of the Project.

Findings and conclusions of the EIR are not affected.

Comment WP-2

*The Project would comprise 24.38 acres shared across two sites, identified in the Initial Study as Site 1 (23 acres), and Site 2 (1.38 acres). For Site 1, the Project Proponent, Lewis Development, LLC, has applied for approval of the Lewis Retail and Civic Center. The Lewis Retail and Civic Center would contain a variety of proposed uses, including a gas station, four restaurants, retail*

space, a medical office, a 130-room hotel, a new City Hall, and a public library. The City describes the maximum buildout of the Project as follows:

- Gas station w/market - 8 Vehicle Fueling Positions
- Restaurant: Fast food with drive-through - 3,500 Square Feet (SF)
- Restaurant: Coffee shop with drive-through - 2,000 SF
- Restaurant: High-turnover sit-down - 6,000 SF
- Restaurant: Fast food without drive-through - 4,000 SF
- Retail - 4,000 SF
- Medical office - 10,000 SF
- Hotel - 130 Rooms
- Civic: Government office (City Hall) - 40,000 SF
- Civic: Public library - 25,000 SF
- Gas station w/market and carwash - 16 Pumps

The Project would require several approvals, including:

- General Plan Amendments (Sites 1 and 2)
- Zone Change (Site 1) from Rural Residential and Watercourse, Watershed, and Conservation Area (W-1) to General Commercial.
- Tentative Parcel Map (Site 1) - subdivision into eight commercial parcels and one right-of-way parcel.
- Major Development Plan Reviews (Sites 1 and 2).

Southwest Carpenters presents its comments to specific sections of the DEIR, below.

### Response WP-2

The Project facilities and land uses cited by the commentor are materially correct and represent maximum potential buildout of the Project as evaluated in the EIR. The commentor's abbreviated list of the Project discretionary actions is accurate in part. Note that the EIR indicates only that approval of a Site 1 Tentative Parcel Map (TPM) would be required; TPM parcelization is not specified. Please refer also to the expanded

description of the Project presented at EIR Section 3.0, *Project Description*. Responses to Southwest Carpenters comments are presented herein.

Findings and conclusions of the EIR are not affected.

### Comment WP-3

#### *Project Description*

*CEQA Guidelines define "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." 14 Cal. Code Regs. § 15378(a). The Project Description must contain "A general description of the project's technical, economic, and environmental characteristics." 14 Cal. Code Regs. § 15124( c ). Failure to adequately define the Project may invalidate EIR for the Project.*

*First, the City has chosen to identify proposed approvals of development across both sites as the Project, thus reducing the risk that the City's action could be accused of Project piecemealing or segmentation. See Burbank-Glendale-Pasadena Airport Authority v. Hensler (1991) 233 Cal.App.3d 577, 592; Bozung v. Local Agency Formation Comm 'n (1975) 13 Cal.3d 263,274, 283-284. This was Southwest Carpenters' recommended approach its initial comment letter regarding the Project.*

### Response WP-3

As noted by the commentor, the EIR accurately describes and evaluates the Project in its entirety consistent with *CEQA Guidelines* Section 15124. *Project Description*.

Findings and conclusions of the EIR are not affected.

### Comment WP-4

*Regardless, the City fails to provide basic information regarding the project. For the structures for which the City has disclosed the square footage, the City now states all Project structures, combined, would occupy approximately 94,500 square feet, or under 2 acres of the 23 acres available. The City does not provide an estimate as to the site coverage for one of the proposed gas*

*stations or the hotel, instead opting to describe each by the total number of pumps and rooms, respectively.*

*The initial study does not explain the uses or development proposed to occur on the remaining 21 acres of the Project. The FEIR should clarify the proposed uses for the remainder of the Project site. For instance, it is unclear whether the reported square footage includes impervious surfaces, such as sidewalks and parking lots.*

#### Response WP-4

The commentor states the “City fails to provide basic information regarding the project.” This is incorrect. The EIR at Section 3.0, *Project Description*, provides a full and extensive Project description. Consistent with *CEQA Guidelines (Guidelines)* Section 15124. *Project Description*, the EIR Project Description provides the information necessary for evaluation and review of the Project’s potential environmental impacts, and appropriately does not supply extensive detail beyond that needed for such evaluation and review.

With specific regard to the evaluated gas station(s) and hotel, the substantive environmental impacts of these uses are defined respectively by their trip generation characteristics, which in turn are defined by the number of gas station fueling points, and the number of proposed hotel rooms. Trip generation of these uses provides the basis for evaluation of traffic impacts, vehicular-source criteria air pollutant emissions impacts, vehicular-source GHG emissions impacts, and vehicular-source noise impacts. For other EIR environmental topics, the primary defining aspects of the fueling station and hotel uses are also characterized by attributes other than building area. For example, noise impacts are based on facility operations and traffic generation, not building area(s). Where building size could affect environmental conditions; e.g., hydrology/water quality, the building areas are appropriately reflected in the analyses.

Further, as reviewed and approved by the City, lot coverage of all Project uses including, but not limited to, the proposed gas station uses, and hotel use would conform to building intensity ranges (Floor Area Ratio, FAR) articulated at City of Eastvale General Plan Table LU-1: *Land Use Designations*.

The commentor states “[t]he initial study [sic] does not explain the uses or development proposed to occur on the remaining 21 acres of the Project.” This is incorrect. Reflecting anticipated arrangement of Project land uses, Project buildings and supporting site development facilities (e.g., parking, landscape areas, internal drive aisles, etc.) are schematically presented at EIR Section 3.0, *Project Description*, Figure 3.4-1, *Site Plan Concept*. Facilities and amenities to be implemented by the Project are also extensively described in the EIR Project Description narrative. Please refer to EIR Sections 3.4.5 *Access and Circulation*, 3.4.6 *Parking*, 3.4.7 *Signs*, 3.4.9.1 *Water/Sanitary Sewer Services*, 3.4.9.2 *Storm Water Management Systems*, and 3.4.12 *Landscaping*. Final designs of all proposed uses would be required to include supporting facilities and amenities conforming to codified development standards presented at City of Municipal Code Sec. 120.03.030. - *Commercial and industrial permitted uses and development standards*. Final building footprints and building areas would be refined and defined as site-specific applications for the various Project uses are submitted to the City.

Findings and conclusions of the EIR are not affected.

#### Comment WP-5

*Further, the City’s estimates for the size of the civic uses seem too high. Although it is possible to construct a 40,000 square foot City Hall and 25,000 square foot library, these estimates seem high. The EIR must provide accurate information to decisionmakers and members of the public. Please confirm the accuracy of these size estimates. Also, because the City has stated its intention to move its City Hall, please provide a discussion regarding future proposed uses of the old City Hall building and site, as the repurposing of this site will result in environmental effects indirectly caused by the Project. 14 Cal. Code Regs. § 15358(a)(2).*

#### Response WP-5

The commentor offers an opinion on the appropriate scale of the Project civic uses (City Hall and public library). Commentor’s opinion that the “size of the civic uses seem too high” is noted. The EIR appropriately evaluates the Project’s likely maximum impact scenario, including potential maximum buildout of the proposed City Hall and public library uses. While the commentor suggests that the scope of these uses “seem[s] too high,” underestimating their maximum potential scope would tend to under report the

Project’s environmental effects – controverting the intent of CEQA and the EIR to identify, evaluate, and disclose the Project’s potentially significant environmental impacts. Ultimate designs of the proposed City Hall and public library, as approved by the City, may indeed be less than the evaluated scope of these uses presented in the EIR, in which case the EIR has conservatively overestimated rather than under reported environmental impacts of the Project.

The commentor speculates that “repurposing of the [existing City Hall site] will result in environmental effects indirectly caused by the Project” on future use(s) of the “old City Hall building and site” but offers no substantial evidence of such effects.<sup>3</sup> The existing City Hall currently resides within leased space in an existing community shopping center (the Eastvale Gateway project). The Eastvale Gateway project was previously approved by the County. The Certified EIR that was prepared for that project analyzed the environmental impacts associated with the various permitted tenant uses within the complex. As such, any environmental impacts associated with a new tenant have already been addressed in the EIR for the Eastvale Gateway project.

The City would simply terminate the lease and the owner would repurpose the space for its intended use, retail or other permitted uses. The future repurposing of existing City offices that may occur would be an action separate, distinct, and independent of the Project – requiring additional CEQA analysis determined appropriate by the Lead Agency if there is an associated discretionary action with the repurposing.

Findings and conclusions of the EIR are not affected.

#### Comment WP-6

*The City still has not fully described its intended action regarding sites 1 and 2. For Site 2, please specify whether the City will lease or dispose of this property by selling or gifting this property to the applicant, bearing in mind that it is illegal for the City to provide a gift of public funds. (Const.,*

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<sup>3</sup> Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence (CEQA Guidelines, Section 15384. Substantial Evidence).

Art. XVI, § 6.). Because the City is under statutory and constitutional conveyance constraints, it should identify if, and how, it intends to convey this property. If this sale has already occurred prior to Project approval, please disclose this.

### Response WP-6

The commentor states concerns regarding potential Project site property conveyances, which do not relate to potential environmental impacts of the Project. All property conveyances that may result as part of the Project would conform to applicable law. The City will not gift the Site 2 property to the Applicant or others. The City and Lewis have entered into an Exchange Agreement for Sites 1 and 2. The City is no longer considering a Development Agreement as a Project discretionary action. The EIR text at Section 3.6 *Discretionary Approvals and Permits* is amended accordingly as presented below.

### **3.6 DISCRETIONARY APPROVALS AND PERMITS**

Discretionary actions, permits and related consultation(s) necessary to approve and implement the Project would include, but are not limited to, the following.

#### **3.6.1 Lead Agency Discretionary Actions and Permits**

- CEQA Compliance/EIR Certification. The City must certify the EIR prior to, or concurrent with, any approval of the Project.
- . . .
- ~~Approval of a Development Agreement (DA) between the City and the Applicant. Final terms of the DA are currently under negotiation.~~
- Additionally, the Project would require a number of non-discretionary construction, grading, drainage and encroachment permits from the City to allow implementation of the Project facilities.

Related EIR citations to a Project Development Agreement are amended accordingly by reference. Findings and conclusions of the EIR are not affected.

Comment WP-7

*It is further concerning that the entirety of Site 1, the majority of which is proposed to contain civic uses, is being rezoned from residential to commercial. While it may be possible to construct public facilities within either zoning district, it is still concerning that there may be no impediments to devoting the entirety of the Project to commercial uses in the future. Please specify whether the Project will be conditioned upon subdivision and dedication of the relevant portions of the Site 1 property to the City, whether Project approval will be conditioned upon restricting the use of the remainder of the Parcel to civic/public facilities uses, or whether the Project will be deed restricted to only permit civic uses on those portions of the Project. If the City proposes none of these measures, please explain what assurances the public will have that the remainder of the Project site will not be converted to commercial uses in the future.*

Response WP-7

The commentor states concerns “that there may be no impediments to devoting the entirety of the Project to commercial uses in the future.” The Project under consideration by the City and evaluated in the EIR does not propose development of the site in its entirety with commercial uses. It is not necessary for the City to exclude by condition or preclude by other means development types allowed under the Project, as the uses allowed are already defined as “the Project.” Moreover, as noted in the EIR, “[f]uture variations or revisions to later phases of development, or any substantive change to the Project evaluated in this EIR would, at the discretion of the Lead Agency, be subject to subsequent environmental analyses. Ultimate configuration and orientation of the uses proposed by the Project are subject to City review and approval” (EIR, p. 1-2).

Findings and conclusions of the EIR are not affected.

Comment WP-8

*Alternatives*

*CEQA Guidelines § 15126.6(e)(2) states the City must identify the environmentally superior alternative: “If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” The*

*City does not indicate which is the environmentally superior alternative. Please identify the environmentally superior alternative.*

Response WP-8

The commentor states “[t]he City does not indicate which is the environmentally superior alternative.” This is incorrect. As noted in the EIR, “the Reduced Intensity Alternative would likely result in a general reduction in other environmental effects when compared to the Project. For the purposes of CEQA, the Reduced Intensity Alternative is identified as the ‘environmentally superior alternative’” (EIR, p. 5-56).

Findings and conclusions of the EIR are not affected.

Comment WP-9

*Air Quality*

*The City fails to consider the potential of the Project to attract diesel vehicles to either proposed gas station. Diesel engines generally have more lax emissions controls and the combustion of diesel fuel emits greater volumes of pollutants. Unless the Project is conditioned to prohibit the sale of diesel fuel, the Project could sell this fuel type, which would attract diesel vehicles into the Project neighborhood in greater numbers. This may have the potential to create significant localized emissions, which the City has not considered. Please specify whether the gas stations will be permitted to sell diesel. If so, please evaluate the impacts of this sale on the environment, especially as it relates to nearby sensitive residential uses. It is worth noting that the City has the power to condition Project approval on the prohibition of the sale of diesel and, thus, can mitigate the potential impacts arising from this sale.*

Response WP-9

The commentor states “[t]he City fails to consider the potential of the Project to attract diesel vehicles to either proposed gas station.” This is incorrect. The Project air quality modeling and evaluation of the Project air quality impacts conforms to applicable SCAQMD and CalEEMod protocols for the Project uses. Please refer to detailed air quality modeling presented at EIR Appendix C, *Polopolus Air Quality Impact Analysis, City of Eastvale* (Urban Crossroads, Inc.) March 27, 2018. To clarify for the commentor, the

Project air quality modeling reflects all categories of vehicles that would access the Project site, including diesel vehicles. The mere fact that the Project fueling stations may allow for retail dispensing of diesel fuels at one or more fueling points for personal vehicles would not create a new “diesel-fueling destination point” that would be an attractor for substantive volumes of diesel-powered vehicles. In this regard, diesel fuel is already widely available throughout California<sup>4</sup> and drivers access these facilities based largely on convenience or immediate need. Diesel fuel points that may be implemented by the Project would be a convenience to drivers of diesel-powered vehicles, responding to demonstrated market demands. Any diesel-powered vehicles accessing the Project fueling stations, or the Project in general, would not substantively contribute to localized diesel emissions such that impacts would be considered potentially significant. Further, the governing air district (in this case, the South Coast Air Quality Management District, SCAQMD) has indicated no requirement for evaluation of potential Project-source diesel emissions impacts.

Additionally, in response to comments provided by SCAQMD, a Health Risk Assessment (HRA) for has been prepared for the Project (please refer to Final EIR Appendix B). The HRA substantiates that operations of the Project fueling stations themselves would not result in potentially significant localized air pollutant emissions impacts. The HRA modeling reflects emissions types and quantities that would be generated by typical retail fueling facilities such as that proposed by the Project, including emissions that would result from dieseling fueling operations.

Findings and conclusions of the EIR are not affected.

#### Comment WP-10

*The City does not provide a cumulative air quality impacts analysis in its DEIR. “An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable.” 14 Cal. Code Regs. § 15130( a). “[A] cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other*

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<sup>4</sup>See: [http://www.energy.ca.gov/almanac/transportation\\_data/gasoline/piira\\_retail\\_survey.html](http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html)

*projects causing related impacts.” Id. Further, “[c]umulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” 14 Cal. Code Regs. § 15355(b). Here, the City’s Air Quality section contains no discussion of cumulatively significant air quality impacts. Please add this discussion and recirculate the DEIR for further public commentary.*

#### Response WP-10

The commentor states “[t]he City does not provide a cumulative air quality impacts analysis in its DEIR.” This is incorrect. Related conclusions offered by the commentor are similarly incorrect. Cumulatively significant air quality impacts are summarized at EIR Table 1.8-1, *Summary of Significant and Unavoidable Impacts*. The discussion and analysis of cumulative air quality impacts is presented at EIR Chapter 5.0 (EIR, pp. 5-10 – 5-12). As noted in the EIR, “[p]ursuant to SCAQMD criteria, less-than-significant impacts at the Project level are not cumulatively considerable” (EIR, p. 5-11, et al.). Consistent with SCAQMD criteria, in instances where Project-level air quality impacts have been identified as significant, related cumulatively significant and unavoidable air quality impacts have been identified. There is no requirement or basis to “recirculate the DEIR for further public commentary.”

Finding and conclusions of the EIR are not affected.

#### Comment WP-11

##### *Biological Resources*

*The City has determined the Project will have a less than significant impact on biological resources because Project surveys did not reveal the presence of protected species. As mentioned in our Notice of Preparation comments, “[a]lthough the Project site has been partially cleared, it may still serve as habitat for species that utilize nearby riparian habitat directly to the south and east of the Project site . . . . At a minimum, it would appear the Project site may serve as a buffer between development and this nearby riparian habitat.” The Project borders an open field and is within one-third of a mile of healthy riparian habitat. (Attachment H.)*

*At the very least, the City must consider and evaluate the potential of the Project to incidentally, or indirectly, affect wildlife. Failure to do so despite evidence of the presence of these species nearby constitutes an abuse of discretion.*

#### Response WP-11

The commentor self-cites previous speculative statements that the “Project site . . . may still serve as habitat for species that utilize nearby riparian habitat directly to the south and east of the Project site . . . . At a minimum, it would appear the Project site may serve as a buffer between development and this nearby riparian habitat.” No substantial evidence is provided by the commentor that would support these suppositions. The commentor offers further that the City must consider and evaluate the potential of the Project to incidentally, or indirectly, affect wildlife.

Commentor cites Attachment “H.” Commentor Attachment “H” is a generalized list of species and biological resources information, which may be of academic interest, but has no substantive implication(s) for the Project or the EIR. As prominently displayed in the commentor’s Attachment “H” text: *This resource [the commentor’s cited Attachment H] is for informational purposes only and does not constitute an analysis of project level impacts.* The cited document is also prominently watermarked “NOT FOR CONSULTATION.”

In contrast to the commentor’s speculative statements and generic “analysis,” the EIR provides Project and site-specific expert technical analysis (*Habitat Assessment and MSHCP Consistency Analysis* [Michael Baker International] 2017, [Project Habitat Assessment] available at the City of Eastvale). The Project Habitat Assessment substantiates that the Project would not result in direct or indirect significant impacts to riparian or other protected biological resources. The EIR Initial Study specifically acknowledges proximity of the Project site to the Santa Ana River (the proximate “riparian habitat” cited by the commentor). As discussed in the Initial Study and supported by the analysis in the Project Habitat Assessment, the Project site’s connection to the Santa Ana River has been eliminated by surrounding residential and recreational developments. As such, development of the Project site is not expected to impact wildlife movement opportunities or prevent the Santa Ana River from continuing to function as

a wildlife corridor (see: EIR Appendix A, Initial Study, Checklist Item 4., *Biological Resources*). Please refer also to EIR Section 1.5, *Impacts Not Found to Be Potentially Significant, Biological Resources* (EIR, pp. 1-18 – 1-20).

As discussed at Draft EIR Section 1.0, *Executive Summary*, Project impacts would be less-than-significant, or would be mitigated to levels that would be less-than-significant for all biological resources considerations. Conclusions presented previously within the Project Initial Study pertaining to Site 1 were based on the comprehensive Habitat Assessment prepared for that Site. Site 2 has been regularly cleared of weeds and debris for more than ten years; as a result, it was determined that there are no biological resources associated with the site. Mitigation identified in the Initial Study (see: Initial Study at p. 34) has been carried forward in the Final EIR, and is presented at Final EIR Table 4.2-1, *Mitigation Monitoring Program*. With application of the proposed mitigation measures, the Project's potential impacts to biological resources would be less-than-significant.

Mitigation Measures BIO-1 and BIO-2 are also presented below for ease of reference:

*BIO-1 A qualified biologist, in accordance with the latest California Department of Fish and Wildlife (CDFW) survey guidelines, will conduct a burrowing owl preconstruction survey within 30 days prior to ground-disturbance or noise producing activities. If burrowing owls occupy the site, then a mitigation plan shall be prepared, approved by CDFW, and implemented prior to initiation of ground-disturbance activities that may affect the burrowing owl on site. The mitigation plan will include methods for avoidance or relocation of the owl and details regarding the proposed relocation site.*

*BIO-2 Pursuant to the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31, but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for burrowing owls and nesting birds shall be*

*conducted within thirty (30) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptors and special-status species, this buffer will be expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.*

Additionally, the Project Site is located within the Eastvale Area Plan of the MSHCP, but not located within any Criteria Cells or MSHCP Conservation Areas. The Santa Ana River is located approximately 0.56 mile to the south of the Site 1, which has been identified as a wildlife corridor in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). However, the site has not been identified as a wildlife corridor or linkage since the site's connection to the Santa Ana River has been eliminated by surrounding residential and recreational developments. As such, development of the Project is not expected to impact wildlife movement opportunities or prevent the Santa Ana River from continuing to function as a wildlife corridor.

Within the EIR and supporting Initial Study, the City has provided substantial evidence supporting the conclusion that the Project would not result in significant biological resources impacts. No consequent "abuse of discretion" would occur should the City decide to Certify the EIR and approve the Project.

Findings and conclusions of the EIR are not affected.

Comment WP-12

***Greenhouse Gases***

*Southwest Carpenters agrees with the City's assessment that the Project will generate significant volumes of greenhouse gas emissions, and that it will conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The City has estimated the Project will generate approximately 15,157 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) per year. Project uses, including the City Hall, restaurants, gas station, and hotel, will produce high numbers of new trips.*

Response WP-12

The commentor incorrectly cites and conflates the EIR conclusions. The EIR substantiates and concludes that the Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (EIR, pp. 4.4-33 – 4.4-35). The EIR also substantiates and concludes that the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (EIR, pp. 4.4-35 – 4.4-47).

Findings and conclusions of the EIR are not affected.

Comment WP-13

*Of particular importance, here, the City has not adopted a Climate Action Plan designed to reduce greenhouse gas emissions. Thus, the City must exercise extra care when analyzing greenhouse gas-related impacts and carefully disclose how the Project will impact statewide and local goals. The City must consider in its greenhouse gas analysis:*

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;*
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and*
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public*

*review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions . . .*

### Response WP-13

The commentor cites (in part) the three GHG impact significance assessment considerations identified at *Guidelines* Section 15064.4. These considerations are identified in total at EIR p. 4.4-26. Summary conclusions of the EIR responding to these considerations are presented below. Please refer also to the detailed discussion of Project GHG emissions impacts presented at EIR Section 4.4, *Global Climate Change and Greenhouse Gas Emissions*.

Re: *Guidelines* Section 15064.4 (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.

- The Project would increase GHG emissions when compared to existing conditions (EIR p. 4.4-9 as amended).

Re: *Guidelines* Section 15064.4 (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

- The Project would generate GHG emissions exceeding the threshold of significance that the Lead Agency has determined applies to the Project (EIR p. 4.4-35, et al.).

Re: *Guidelines* Section 15064.4 (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

- The Project would comply with applicable regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. The EIR substantiates compliance with applicable provisions of AB 32, strategies of ARB's 2008 Scoping Plan and associated regulatory measures adopted to further AB 32's goals; goals established under the 2016 RTP/SCS; applicable provisions of the WRCOG Subregional Climate Action Plan (CAP); and GHG emissions Policies articulated in the City of Eastvale General Plan (EIR, pp. 4.4-35 – 4.4-47). Notwithstanding compliance with the adopted regulations or requirements, the Project would nonetheless generate GHG emissions exceeding the Lead Agency threshold. This is substantial evidence that the possible effects of the Project could be cumulatively considerable. Accordingly, the Project's GHG emissions impacts are evaluated in the EIR.

Findings and conclusions of the EIR are not affected.

#### Comment WP-14

*Here, the City relies on, inter alia, the California Air Resources Board's AB 32 Scoping Plan as a mitigation tool. The City failed to provide the analytical framework necessary to prove the City adequately and appropriately relied on the Scoping Plan, and other local and regional plans in its greenhouse gas analysis. The City, instead, commits the same flaws as did the Department of Fish and Wildlife in Center for Biological Diversity. As emphasized in Center for Biological Diversity, "In short, neither Assembly Bill 32 nor the Scoping Plan establishes regulations implementing, for specific projects, the Legislature's statewide goals for reducing greenhouse gas emissions. Neither constitutes a set of 'regulations or requirements adopted to implement' a statewide reduction plan within the meaning of Guidelines section 15064.4, subdivision (b )(3). " ' Id. at 223. As was the case in Center for Biological Diversity, the City has not "related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects, and nothing . . . cited in the administrative record indicates the required [analysis] is the same for an individual project as for the entire state population and economy." Id. at 225-226.*

Response WP-14

The commentor states the City relies on the California Air Resources Board's AB 32 Scoping Plan as a mitigation tool. This is incorrect. It is unclear how the commentor reaches this conclusion. Subsequent statements by the commentor are non sequitur suppositions based on a false premise and are also incorrect.

In the case cited, "Department of Fish and Wildlife in Center for Biological Diversity" [also generally referred to "Newhall Ranch, Newhall"], the Newhall EIR concluded that the project under consideration would have a less-than-significant GHG emissions impact based on a comparison of project GHG emissions with a business as usual (BAU) condition. The Court invalidated the Newhall GHG analysis because the "administrative record discloses no substantial evidence that the Newhall Ranch's project-level reduction of 31 percent in comparison to [BAU] is consistent with achieving AB 32's statewide goal of a 29 percent reduction from [BAU]...."

This is not the case for the Lewis Retail Project EIR considered here. Pointedly, the Lewis Retail Project EIR concludes that the Project GHG emissions impacts would exceed the City's and SCAQMD's threshold of significance (3,000 MTCO<sub>2</sub>e/year) and would therefore result in a significant GHG emissions impact. Note here that in determining the significance of a given project's GHG emissions impact, the Court advised in Newhall that a lead agency may rely on existing numerical thresholds of significance for greenhouse gas emissions adopted by, for example, local air districts. Appropriately, the significance criteria employed in the Lewis Retail Project EIR is one adopted by the local air district (SCAQMD). It is a comparison to this threshold, not a BAU condition, that is employed to determine if the Project would "generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment."

In summary, the commentor inappropriately compares the Lewis Retail Project EIR GHG impact analysis with that developed for the Newhall project. Diverging from Newhall, the Lewis Retail Project EIR does not employ a BAU comparison methodology, does not rely on a comparison to a BAU scenario in determining the significance of the Project's

GHG emissions impacts, and does not conclude that the Project GHG emissions impacts would be less than-significant.

Findings and conclusions of the EIR are not affected.

Comment WP-15

*Other flaws in the City's analysis of greenhouse gases include the failure to describe the environmental baseline and its failure to utilize an adequate significance threshold. "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." 14 Cal. Code Regs. § 15125(a). Here, the City provides information regarding global, national, and statewide greenhouse gas emissions but fails to disclose Project-level baseline emissions. Please disclose the levels of greenhouse gas emissions at the Project site as they existed at the time the Notice of Preparation was published in early 2018.*

*The City has elected to use the Southern California Air Quality Management District significance threshold of 3,000 MTCO<sub>2e</sub>. As the City notes, this threshold was designed to determine the significance of stationary source emissions. However, the City uses this threshold indiscriminately for both mobile and stationary sources. Please provide evidence that would support a finding that this threshold of significance is suitable to determine the significance of joint mobile and stationary greenhouse gas emissions.*

*Further, the City admits it has not officially adopted this 3,000 MTCO<sub>2e</sub> threshold as its threshold of significance. "Thresholds of significance to be adopted for general use of the lead agency's environmental review process must be adopted by ordinance, resolution, or regulation, and developed through a public review process and be supported by substantial evidence." 14 Cal. Code Regs. § 15064.7(c). Please disclose whether the City has officially adopted this threshold of significance through the required procedure.*

Response WP-15

Regarding baseline Project site GHG conditions, the following is added to the discussion at EIR p. 4.4-9:

***Project Site***

*The Project site is largely undeveloped and is not a substantive source of GHG emissions.*

Regarding EIR use of the SCAQMD 3,000 MTCO<sub>2</sub>E/year threshold, as discussed in the EIR, “[t]he SCAQMD 3,000 MTCO<sub>2</sub>E/year threshold is the most conservative metric available; is widely accepted as an appropriate project-level threshold; and is used by numerous lead agencies within the South Coast Air Basin” (EIR, p. 4.4-29). In order to capture and reflect the Project GHG emissions in total, the SCAQMD GHG emissions threshold as applied by the City purposely does not discriminate between stationary and mobile sources. To disaggregate the Project GHG emissions sources as suggested by the commentor would misrepresent the potential significance of the Project GHG emissions impacts. Moreover, the City has determined that there is not an appropriate or widely-held threshold to determine the significance of only mobile source GHG emissions.

The commentor self-answers the query “has the City officially adopted this 3,000 MTCO<sub>2</sub>e/year threshold?” To be clear, the City has not officially adopted SCAQMD’s 3,000 MTCO<sub>2</sub>e/year GHG emissions threshold. This however does not preclude use of this threshold in the City’s determination of GHG impact significance. For CEQA purposes, the City has discretion to select an appropriate significance criterion, based on substantial evidence. Substantial evidence supporting the City’s use of the SCAQMD 3,000 MTCO<sub>2</sub>E/year threshold is summarized below.

The SCAQMD 3,000 MTCO<sub>2</sub>E/year screening-level threshold is considered to be a relevant significance criterion for the Project. Use of this threshold is consistent with guidance provided in the CAPCOA *CEQA and Climate Change Handbook* (Handbook). Specifically, Handbook Threshold 2.5: *Unit-Based Thresholds Based on Market Capture*,

establishes a numerical threshold based on capture of approximately 90 percent of emissions from future development.

The City has opted to use a non-zero threshold approach pursuant to Handbook Approach 2, Threshold 2.5 noted above. This is consistent with the 2017 Scoping Plan, wherein CARB postulates that achieving no net increase in GHG emissions may not be the appropriate or feasible objective for every development project. The 2017 Scoping Plan states that lead agencies may develop evidenced-based bright-line numeric thresholds. The 2017 Scoping Plan is clear that the best available approach to determining if an individual project would have a potentially significant GHG emission impact is to identify project GHG emissions consistency with a locally adopted Climate Action Plan (CAP). The City of Eastvale does not have an adopted CAP. Absent an adopted CAP, the EIR analysis employs the SCAQMD 3,000 MTCO<sub>2</sub>E/year criteria noted previously. The City considers this to be the most conservative threshold metric available.

The City's use of the SCAQMD 3,000 MTCO<sub>2</sub>E/year threshold is also consistent with provisions of Court advisory statements in Newhall. These statements provide that a lead agency may rely on existing numerical thresholds of significance for greenhouse gas emissions adopted local air districts – in this case, SCAQMD. Appropriately, the SCAQMD threshold of 3,000 MTCO<sub>2</sub>E/year is employed in the EIR evaluation of GHG emissions impacts.

Findings and conclusions of the EIR are not affected.

#### Comment WP-16

*Also, regarding the City's significance determination, it is unclear what the City's ultimate conclusion was. The City states, on one hand that Project impacts are significant and unavoidable, and, on the other, that Project impacts are less than significant. Specifically, on page 4.4-47, the City states:*

*On this basis, the potential for the Project to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG is considered less-than-significant. Level of Significance: Less-Than-Significant.*

*However, on page 4.4-35, the City concludes:*

*On this basis, quantified net GHG emissions generated by the Project would be cumulatively considerable, and the Project net GHG emissions impact would be cumulatively significant and unavoidable.*

*A Project cannot create both significant and less than significant impacts for greenhouse gases. Please clarify the City's conclusions as to the significance of the Project's greenhouse gas impacts.*

#### Response WP-16

Commentor statements and conclusions regarding GHG emissions significance conclusions are incorrect. To clarify for the commentor, two distinct GHG impact threshold considerations are identified in the *Guidelines*, specifically:

- Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and
- Potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (*Guidelines Appendix G., Environmental Checklist Form, VII. Greenhouse Gases*)

The City has determined that each of the above thresholds considerations establish a separate and independent basis upon which to substantiate the significance of the Project's potential GHG emissions impact. Contrary to the commentor's assertion, it is therefore possible to reach differing significance conclusions under each consideration.

Further, the EIR methodology of evaluating each GHG threshold consideration independently is consistent with GHG impact significance assessment criteria identified

at *Guidelines* Section 15064.4. Namely, the third consideration at *Guidelines* Section 15064.4 specifically acknowledges the potential for reaching differing conclusions under each criteria, stating “If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable *notwithstanding compliance with the adopted regulations or requirements* [emphasis added], an EIR must be prepared for the project.” This is the case for the Project considered here. That is, as substantiated in the EIR, the Project, notwithstanding compliance with the adopted regulations or requirements (a less-than-significant impact, EIR at pp. 4.4-34 – 4.4-47); would still generate GHG emissions that would exceed the applicable GHG emissions threshold (a significant impact, EIR at pp. 4.4-33 – 4.4-35) – different threshold considerations with differing impact significance conclusions.

Lastly, from a purely procedural perspective, the presentation and posing of separate and distinct threshold considerations at *Guidelines* Appendix G: *Environmental Checklist Form*, VII. *Greenhouse Gases* supports separate and distinct analysis of the GHG impact significance criteria: *Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment*; and *Potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases* – allowing for separate and distinct conclusions under each consideration.

Findings and conclusions of the EIR are not affected.

#### Comment WP-17

*Also of importance to the City’s significance determination, the City concluded, “[t]he Project would not generate substantive [medium-duty] and [heavy-duty] truck traffic.” However, it is unclear how the City arrived at this conclusion. As stated above, if the City does not prohibit the sale of diesel fuel, it should proceed under the assumption that such sale will occur, and that the Project will generate higher levels of medium-duty and heavy-duty vehicle traffic. Please provide further information to substantiate the City’s conclusion that the Project will not encourage these categories of vehicle traffic.*

Response WP-17

The commentor speculates that availability of retail diesel fuel would somehow generate new substantive medium-duty and heavy-duty truck traffic resulting in potentially significant air pollutant emissions impacts. This is incorrect. To clarify for the commentor, truck traffic (and all other vehicle traffic) generated by the Project is a function of each land use type. Availability of ancillary retail diesel fueling at the Project gas stations would not substantively affect the types of vehicles accessing the Project, and certainly not to the degree that the limited increase in diesel-powered vehicles that may occur would somehow alter the EIR conclusions. Truck traffic generated by the Project would be in support of the retail/commercial/service uses, not the defining purpose or primary function of the Project. The commentor's contention that provision of limited retail diesel fueling such as may occur under the Project would somehow "generate higher levels of medium-duty and heavy-duty vehicle traffic" is speculative and is not supported by evidence or facts. Please refer also to Response WP-9.

Further, the governing air district, SCAQMD has indicated no requirement for focused evaluation of mobile-source emissions impacts associated with ancillary truck traffic that may be generated by the Project uses.

Additionally, in response to comments provided by SCAQMD, a Health Risk Assessment (HRA) for has been prepared for the Project (please refer to Final EIR Appendix B). The HRA substantiates that operations of the Project fueling stations themselves would not result in potentially significant localized air pollutant emissions impacts. The HRA modeling reflects emissions types and quantities that would be generated by typical retail fueling facilities such as that proposed by the Project, including emissions that would result from dieseling fueling operations.

Findings and conclusions of the EIR are not affected.

Comment WP-18

*Finally, the City has failed to provide mitigation for the greenhouse gas impacts of the Project. “An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.” 14 Cal. Code Regs. § 15126.4(a)(1). “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” 14 Cal. Code Regs. § 15126.4( a)(2).*

*Here, the City concludes that no feasible mitigation measures exist to reduce the significant impacts of the Project, largely because the City states it has no regulatory authority over the mobile sources of the Project. However, the City does have regulatory authority over the proposed uses of the Project, which uses the City can condition upon the adoption of binding mitigation measures.*

*Especially relevant to the City’s conclusions, here, mitigation measures may include “[o]ffsite measures, including offsets that are not otherwise required, to mitigate a project’s emissions.” 14 Cal. Code Regs. § 15126.4( c )(3 ). Although the City may have limited control over mobile emissions, it does have control over Project design features that can be designed to offset these impacts. For instance, the City has not considered adding solar panels to the rooftops of the gas station and other proposed commercial and civic buildings, nor has the City considered the installation of electric vehicle charging stations, solar panel-covered parking, or programs designed to facilitate the use of public transportation or carpool-to-work. Also, the City has not considered requiring the Project applicant to purchase carbon offsets, which are perfectly tailored to address the City’s concerns that regulation of mobile emissions is beyond its direct control. 14 Cal. Code Regs. § 15126.4(c)(3). Because greenhouse gas impacts are of cumulative statewide, national, and global concern, the State Legislature and the California Air Resources Board have determined the use of offsets to be acceptable in situations such as the Project’s.*

*The City has not considered any potential mitigation measures to counteract the significant impacts of the Project, despite the ready and wide availability of such measures. The City’s conclusion that there were no feasible mitigation measures was not supported by any other reasoning or evidence than its conclusion that it has no direct control over the mobile source emissions. This does not amount to substantial evidence that the City has considered all feasible mitigation measures to reduce these impacts. CEQA requires the City to do more to address the*

*significant impacts of the Project. Please consider all feasible mitigation measures and disclose to the public all mitigation measures upon which the Project approval will be conditioned.*

### Response WP-18

The commentor suggests additional measures as a means to reduce Project-source GHG emissions. Substantive reductions in vehicular-source GHG emissions are realized through CARB and EPA regulatory actions, and state infrastructure plans and incentive programs. Such plans and programs are beyond the control of the Applicant and the Lead Agency. As means of generally reducing GHG emissions impacts, the following mitigation measure is incorporated in the EIR:

*4.4.1 Prior to issuance of Certificate of Occupancy for each of the Project areas identified below, a minimum of 10 electric vehicle (EV) charging stations shall be installed and distributed throughout the site as follows:*

- *Lewis Retail/Commercial Facilities: a minimum of 4 EV charging stations*
- *Hotel: a minimum of 2 EV charging stations*
- *Civic Center: a minimum of 4 EV charging stations*

Even after application of Mitigation Measure 4.4.1, GHG emissions impacts would remain significant and unavoidable.

Other measures suggested by the commentor replicate Project components and/or are redundant of existing policies/requirements/regulations and would not constitute “additional mitigation.” For example, regarding provision of solar roofs, as identified in the EIR “[t]he Lead Agency will review the Project for potential inclusion of solar roofs. The Project would comply with applicable provisions of Title 24 Section 1110.20 Section 110.10 – *Mandatory Requirements for Solar Ready Buildings*” (EIR, p. 4.4-39).

Regarding programs designed to facilitate the use of public transportation or carpool-to-work, as noted in the EIR, “[t]he Applicant and City will coordinate Project final designs with the [Riverside Transit Authority] RTA to evaluate propriety of Project transit access

and amenities (EIR, p. 4.2-47). Additionally, supplemental carpool/vanpool programs may be implemented by individual tenants.

Additionally, as noted in the EIR, the Project would be required to comply with California Code of Regulations, Title 24, Part 11: California Green Building Standards Code (CALGreen) acting to reduce Project GHG emissions. Applicable CalGreen provisions would include, but would not be limited to, those listed below. CALGreen Section citations are presented parenthetically.

- Short-term bicycle parking. If a commercial project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with 10 or more tenant-occupants, provide secure bicycle parking for 5 percent of tenant-occupied motorized vehicle parking capacity, with a minimum of one space (5.106.4.1.2).
- Designated parking. Provide designated parking in commercial projects for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in [CALGreen] Table 5.106.5.2 (5.106.5.2).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling (5.410.1).
- Construction waste. A minimum 65 percent diversion of construction and demolition waste from landfills, increasing voluntarily to 80 percent for new homes and commercial projects (CALGreen Sections 5.408.1, A5.408.3.1 [nonresidential], A5.408.3.1 [residential]). All (100 percent) of trees, stumps, rocks

and associated vegetation and soils resulting from land clearing shall be reused or recycled (5.408.3).

- Wastewater reduction. Each building shall reduce the generation of wastewater by one of the following methods:
  - The installation of water-conserving fixtures (5.303.3) or
  - Using non-potable water systems (5.303.4).
- Water use savings. 20 percent mandatory reduction of indoor water use with voluntary goal standards for 30, 35 and 40 percent reductions (5.303.2, A5303.2.3 [nonresidential]).
- Water meters. Separate water meters for buildings in excess of 50,000 square feet or buildings projected to consume more than 1,000 gallons per day (5.303.1).
- Irrigation efficiency. Moisture-sensing irrigation systems for larger landscaped areas (5.304.3).
- Materials pollution control. Low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particleboard (5.404).
- Building commissioning. Mandatory inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity according to their design efficiencies (5.410.2).  
[EIR, pp. 4.4-21 – 4.4-23].

Regarding potential offset of GHG emissions, the Lead Agency does not consider there to be a viable and verifiable carbon offset program that would demonstrably and substantially reduce Project-source GHG emissions impacts.

In summary, the Project buildings, stationary facilities, and on-site operations would be designed and implemented and to maximize energy efficiencies, reduce energy consumption and reduce related stationary/area-source GHG emissions in accordance with the CARB Scoping Plan and CalGreen. However, as discussed in the EIR and acknowledged by the commentor, the substantive GHG emissions source associated with the Project is traffic accessing the Project site.

“The Project cannot feasibly achieve no net increase in GHG emissions, nor can the applicable SCAQMD screening-level threshold (3,000 MTCO<sub>2e</sub>/year) be achieved. In this regard, the majority (approximately 81.2 percent) of the Project GHG emissions would be generated by vehicular traffic from employees and patrons that would access the Project” (EIR, p. 1-49, et al.).

There are no feasible measures to reduce or restrict Project traffic to a level where the net increase in operational GHG emissions would not exceed the applicable 3,000 MTCO<sub>2E</sub>/year threshold, or substantially lessen the GHG emissions from Project traffic. Any such measures are beyond the control of the City and the Project.

In sum, the commentor does not identify any substantive inadequacy within the EIR. The commentor fails to recognize or chooses to ignore the measures presented in the EIR that act to reduce the Project GHG emissions impacts. The commentor merely suggests that the “City do more” to reduce Project GHG emissions.

The City considers the measures identified in the EIR, including additional mitigation identified herein, to comprise the range of feasible actions that would act to reduce Project GHG emissions.

Findings and conclusions of the EIR are not affected.

Comment WP-19

*Hazards and Hazardous Materials*

*The City determined that the Project has the potential to create significant hazards through the routine transport, use, disposal, or release of hazardous materials. Surveys of both sites uncovered multiple hazardous materials present on both sites, which may pose a threat to construction workers, employees, and the public.*

*However, the City has determined the impacts regarding hazards and hazardous materials during the operational phase of the Project will be less than significant. The Project will include a gas station and car wash, both of which will emit and handle hazardous or acutely hazardous materials. The City assumes compliance with local and state regulations will be sufficient to prevent significant impacts from occurring.*

*The City does not appear to consider the potential impacts from user spills at the pump, which will increase the toxicity and concentrations of hazardous materials generated on the Project site over time. (Attachments D, E, F, G.) It is also unclear what, if any, mitigation the City proposes to reduce the risk of gasoline spills and other accidents during transport. Further, the City does not address the hazardous materials used, and emitted by, car washes. (Attachments A, B, C.) These impacts are all the more concerning because they will occur in areas bordered by residential uses. Please address these impacts and provide mitigation as necessary.*

*Southwest Carpenters takes any potential safety impacts seriously. The City should disclose all pertinent information regarding hazards and require mitigation that reduces potential hazards to workers and the public.*

Response WP-19

The EIR substantiates that the potential for the Project operations to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less-than-significant. This conclusion is based on the Project's conventional use of commercially available hazardous or

potentially hazardous materials – no atypical commercial/retail/service uses are proposed; nor is any atypical use or uncontrolled use of hazardous or potentially hazardous materials proposed or anticipated (see: EIR Section 3.0, *Project Description*). Moreover, any transport, use, storage, or disposal of hazardous or potentially hazardous material that may occur under the Project would be subject to extensive regulations and policies established at the federal, state, regional, and local levels (EIR, pp. 4.7-8 – 4.7-13; 4.7-20 – 4.7-22).

The commentor states “[t]he City does not appear to consider the potential impacts from user spills at the pump, which will increase the toxicity and concentrations of hazardous materials generated on the Project site over time.” This is incorrect. The commentor does not recognize or chooses to ignore the above-cited existing regulations and policies enforced by at the federal, state, regional and local levels that among other concerns, would reduce potential impacts “of user spills at the pump.” Commentor Attachments “D” and “E” actually provide examples of state and federal requirements and protocols that would be required of the Project, acting to reduce potential hazards/hazardous material impacts associated with fueling station “user spills at the pump operations.”

Moreover, the Project would be required to develop and implement a Project-specific, City-approved Water Quality Management Plan (WQMP). The implemented WQMP would ensure the Project uses do not release contaminants (including, but not limited to, surface fuel spills) to the area water system. The WQMP would be required to identify potential pollutant-generating activities and implement Best Management Practices (BMPs) that act to prevent, treat, and control stormwater, and non-stormwater pollutant discharges consistent with parameters established under the Regional Water Quality Control Board and the City’s NPDES Permit. Typical BMPs incorporated in the Project WQMP would include, but would not be limited to, frequent, appropriate cleaning of pavement at gas stations; and dry cleanup of any major spills. Further, as described in the EIR, the Project would implement Modular Wetlands systems, acting to treat/remove stormwater pollutants, including, but not limited to, petroleum-based products, prior to discharge of storm waters from the Project site. Additionally, the City would ensure that

final designs of Project fueling facilities would include canopies above fuel dispensing areas, minimizing the potential for rainfall to convey surface spill pollutants.

Commentor Attachments “F” and “G” identify concerns that can be categorized generally as potential effects of unburned gasoline/diesel vapor exposure; and potential effects of gasoline/diesel subsurface infiltration. The HRA prepared for the Project fueling stations (please refer to Final EIR Appendix B) accounts for all potential sources of gasoline/diesel vapor exposure, including any exposures attributable to small fuel spills. The HRA substantiates that the Project fueling stations would not result in potentially significant hazardous conditions due to potential effects of unburned gasoline/diesel vapor exposure.

Potential effects of gasoline/diesel subsurface infiltration are minimized through compliance with federal, state, regional, and local hazardous materials controls, and the Project BMPs noted above.

Potential fuel infiltration to, and contamination of, water sources is addressed through preventive measures noted above, augmented by final protective water treatment measures provided by the City’s water purveyor. Domestic water service is provided to the City by the Jurupa Community Services District (JCSD). JCSD water treatment processes remove or reduce contaminants to levels that meet or exceed Federal and State drinking water health standards, reducing potential effects of any water source contamination, including, but not limited to, potential diesel/gasoline subsurface infiltration of concern to the commentor.

As substantiated in the EIR and reiterated here, the Project fueling stations would therefore not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Potential hazards associated with Project car wash operations are similarly addressed through compliance with federal, state, regional, and local hazards/hazardous material regulations and policies articulated at EIR pp. 4.7-8 – 4.7-13; 4.7-20 – 4.7-22. Moreover, the Project car wash would be required to comply with *AB 2230, Gatto. Recycled water: car washes*, acting to conserve water within the City and region and reduce water discharges from the Project site. All discharges from the Project car wash would be treated pursuant to RQWCB Industrial General Permit requirements, acting to reduce potential pollutants consistent with the City NPDES performance standards.

Commentor cites Attachment “A.” Commentor Attachment “A” is a case study addressing car wash employee exposures to hydrofluoric acid (HF). The injuries to the individual car wash employees subject to HF exposures are recognized; the study does not indicate, however, that car washes in general are substantial sources of hazards or hazardous materials that would adversely affect the public at large or rise to the applicable CEQA significance thresholds: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The commentor speculates that the Project car wash use would use or improperly use HF. It is not stated anywhere in the Project Description or materials submitted to the Lead Agency that HF would be employed in the Project car wash operations. Moreover, use of HF is not required for the Project car wash operations, a variety of safer cleaning methods and cleaning solution options are available. Any use of hazardous or potentially hazardous materials in the course of car wash operations is extensively regulated under federal, state and local regulations, requirements, and policies (EIR, pp. 4.7-7 – 4.7-17).

Note further that all car wash workers (all employees for that matter) in California are protected from exposure to hazardous or potentially hazardous materials under the California Occupational Safety and Health Act. Car wash operators would be required to comply with California law acting to protect workers. There is no indication or evidence

to support the commentor's conclusion that Project car wash operations would somehow create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Self-contradicting, commentor's own Attachment "B" outlines those regulations, policies, and BMPs that would act to reduce potential hazards/hazards impacts of the Project car wash operations. As noted in the EIR and discussed in these Responses, the Project car wash would comply with applicable regulations and policies, and would implement requisite BMPs, thereby ensuring that the Project car wash would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Commentor cites Attachment "C." Commentor Attachment "C" is an EPA fact sheet describing car wash wells. As noted in the EPA document: "Carwash wells are Class V underground injection control (UIC) wells used to dispose of wash water at facilities that wash only the exterior of vehicles (sometimes called 'wand washes'). These are typically located at coin-operated, manual carwashes where people use hand-held hoses to wash vehicles." The Project does not propose a "coin-operated, manual carwash where people use hand-held hoses to wash vehicles." Moreover, any wash water disposed of at/by the Project carwash would be treated and conveyed consistent with the Project Industrial General Permit requirements, ensuring that discharges do not adversely affect area water quality.

Findings and conclusions of the EIR are not affected.

Comment WP-20

*Hydrology and Water Quality*

*The City states the Project does not fall within a 100-year flood zone; however, a portion of the Project appears to fall within a Special Hazard Flood Area, as shown on maps prepared by the Federal Emergency Management Agency. (Attachment I.) The DEIR should disclose the potential flood hazard for the Project and require necessary mitigation.*

*The City discloses that the majority of the Project is currently zoned as a Watercourse, Watershed, and Conservation Area. This is the most protective zoning designation available within the City's Zoning Code. While the Zoning Code contains a relatively sparse description of this zoning designation, it is clear from the list of permitted uses that the W-1 Zone is designed to protect wetland resources. However, the DEIR fails to address the impacts of removing Site 1 from the W-1 Zone. It is concerning that the City previously had determined this site needed to be highly protected but has now changed its mind without real explanation.*

Response WP-20

The commentor states that “a portion of the Project appears to fall within a Special Hazard Flood Area, as shown on maps prepared by the Federal Emergency Management Agency. (Attachment I.)” The extreme southeasterly limits of the Project site are designated AE, subject to 100-year inundation. The Project does not propose or require any grading or other development activities with areas designated AE. All development within the subject site would occur within areas designated Zone X, “Area of Minimal Flooding.” The Project site is not subject to potentially significant flood hazards. No mitigation for potential flood hazards is required.

The commentor states that the “City previously had determined this [the Project] site needed to be highly protected but has now changed its mind without real explanation. The commentor is incorrect. In point of fact, the W-1 Zone designation affecting the Project site is an inherited remnant County of Riverside land use classification pre-dating incorporation of the City. The City has never considered this area of the City or the Project site to be “highly protected.” It is unknown why the County, prior to incorporation of the City, designated portions of the site “W-1.” In this regard, and as

discussed herein and in the EIR, the site does not comprise potentially significant biological habitat; is not populated with protected biological species; and with the exception of the extreme southeasterly undeveloped limits of the site, is not subject to substantive flood hazards.

If approved by the City, the Project site land use designations would be amended reflecting the site's current urban status and appropriate potential for development with urban uses. To allow for the Project uses, a General Plan Land Use Amendment from Medium Density Residential to Commercial Retail is proposed. A correlating Zoning Change for Site 1 (from Watercourse, Watershed and Conservation Area [W-1] and Rural Residential [R-R] to General Commercial (C- 1/C-P) is also proposed (EIR, p. 1-13, et al.).

Findings and conclusions of the EIR are not affected.

#### Comment WP-21

##### *Noise*

*The City states the construction phase, as well as the car wash during the operational phase, of the Project will cause significant noise impacts. Regarding construction noise, the City states construction would be permitted to commence at either 6 or 7 AM, depending on the time of year. These start times seem early. Ambient noise levels tend to be much lower during the early morning, such that construction noises will be perceived to be much louder and will be more readily heard from greater distances. Please clarify whether any noise testing was conducted at 6 AM and 7 AM to determine ambient noise levels during the early morning. If this testing has yet to be conducted, please conduct this testing, and include the testing results in the FEIR.*

*Similarly, the City permits the car wash to operate every night until 10 PM. As is true of morning ambient noise, evening ambient noise levels are much lower than comparable noise levels during peak traffic times or the middle of the day. Please specify whether the City has measured ambient noise levels at 10 PM, and disclose the significance of Project-generated noise levels in the context.*

*The City did not provide a full discussion of cumulative noise impacts. While ambient noise testing captures currently existing ambient noise levels, this testing is not designed to forecast ambient noise levels from proposed and other reasonably foreseeable development within the area. For instance, the City has not modeled cumulative noise levels due to projected population increase, future construction, or future traffic volumes. Please provide a sufficient cumulative impacts analysis and recirculate the DEIR with this information.*

#### Response WP-21

The commentor states the City's allowed start times for construction activities "seems early." Commentor sentiment regarding the City Noise Ordinance construction activity restrictions and limitations is acknowledged. Commentor reiterates noise fundamentals already identified in the EIR (EIR, pp. 4.5-3 – 4.5-8).

The commentor states that construction noises will be perceived to be much louder and will be more readily heard from greater distances (in the early morning). To clarify for the commentor, received construction-source noise is a function of the noise level generated by the source, and amongst other factors, source-receptor separation. During the nighttime noise-sensitive hours, a penalty is applied to the noise source, reflecting the increased sensitivity of receptors during nighttime hours (10:00 PM to 7:00 AM). The City Noise Ordinance restricts construction activities to limited "daytime hours" (7:00 AM to 6:00 PM), acting to minimize effects of construction noise at sensitive receptors, such as residential land uses.

Daytime and nighttime ambient noise levels requested by the commentor are presented at EIR Table 4.5-1. Commentor-requested "Noise testing" [of construction equipment?] between 6:00 AM and 7:00 AM is not required. Baseline noise generated by construction equipment is not function of time of day. Perceived effects of noise during noise-sensitive hours is adjusted by the penalty parameters noted above. It is however recommended that the City, as a Condition of Approval, restrict the Project construction hours to 7:00 AM to 6:00 PM, thereby precluding construction activities during the defined sensitive "nighttime" hours.

Similarly, no evening/nighttime “noise testing” is required for the Project car wash operations. Ambient noise levels are presented at EIR Table 4.5-1. Nowhere is it stated that the City “permits the car wash to operate every night until 10 PM.” Mitigation is included in the EIR that would, at a minimum restrict car wash operations to the hours of 7:00 AM to 10:00 PM. Limitations on the car wash operations would ultimately be established pursuant to City Conditional Use Permit requirements.

Regarding “10 PM noise impacts” of car wash operations of concern to the commentor, the EIR evaluates carwash operation noise impacts during daytime and nighttime hours (EIR Table 4.5-10) and identifies instances where the car wash operations would exceed the City’s applicable daytime/nighttime Noise Ordinance Standards.

The commentor states [t]he City did not provide a full discussion of cumulative noise impacts. This is incorrect. Cumulative noise impacts of the Project in the context of ambient conditions are identified at EIR Tables 4.5-5, 4.5-6, 4.5-7, 4.5-9, 4.5-10, 4.5-11, 4.5-12, 4.5-13, 4.5-14. Further, a discussion of cumulative noise impacts is presented at EIR Section 5.1.1.5, *Cumulative Impacts Related to Noise*. The EIR recognizes and discloses that cumulative effects of certain construction and operational source noise would be cumulatively significant and unavoidable (EIR, pp. 5-14 - 5-16). Cumulative effects of traffic noise are summarized at EIR Table 5.1-5. Project traffic noise contributions are substantiated to be less-than-significant and not cumulatively considerable (EIR, pp. 5-17, 5-18).

Findings and conclusions of the EIR are not affected.

#### Comment WP-22

##### *Conclusion*

*Southwest Carpenters thanks the City for providing an opportunity to comment on the DEIR. Moving forward, please send all future notices relating to this Project to Nicholas Whipps at [nwhipps@wittverparkin.com](mailto:nwhipps@wittverparkin.com). Thank you for your consideration of these comments.*

Response WP-22

Southwest Carpenters' participation in the City's CEQA review process is appreciated. Future notices regarding the Project and the Project CEQA review will be provided to Nicholas Whipps at [nwhipps@wittwerparkin.com](mailto:nwhipps@wittwerparkin.com).

**From:** Betty Wu  
**To:** [Kanika Kith](#)  
**Subject:** Oppose Lewis Retail Center gas station  
**Date:** Wednesday, May 16, 2018 3:58:55 PM

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To City of Eastvale:

I strongly oppose the new gas station and its application for alcohol license at Lewis Retail Center (intersection of Hamner and future Schleisman road). The new gas station will introduce harmful elements to immediate neighbors. It is too close to residents and it is not suitable to this location unless adjustments are made to the current blue print layout by shifting the new gas station further east towards the freeway.

BWU-1

Sincerely,

Betty Wu

[Sent from Yahoo Mail for iPhone](#)

Betty Wu

No address or contact information provided

Email Dated May 16, 2018

Comment BWU-1

*I strongly oppose the new gas station and its application for alcohol license at Lewis Retail Center (intersection of Hamner and future Schleisman road). The new gas station will introduce harmful elements to immediate neighbors. It is too close to residents and it is not suitable to this location unless adjustments are made to the current blue print layout by shifting the new gas station further east towards the freeway.*

Response BWU-1

The Commentor is providing an opinion regarding opposition to the proposed gas station and an application for an ABC license for the off-site sale of beer and wine. Although the site plan shows the gas station, the City has not yet received an application for the gas station or a request for an ABC license. It is anticipated that the formal applications will be submitted at a later date, when a specific user is identified.

In regard to the concerns to harmful elements of the gas station operations to the surrounding neighborhood, the EIR recognizes that the Project gasoline dispensing facility may result in potentially hazardous conditions. The Project would however be required to comply with the provisions established by Section 2540.7, Gasoline Dispensing and Service Stations, of the California Safety and Health (Cal/OSHA) Regulations; Chapter 38, Liquefied Petroleum Gases, of the California Fire Code; Resource Conservation and Recovery Act requirements; and the Riverside County Fire Department requirements. Collectively, the routine inspection of the Project gas station, the USTs, and all associated fuel delivery infrastructure, along with the continued mandated compliance with all federal, State, and local regulations, would ensure that the Project gasoline dispensing facility would not result in potentially significant hazards/hazardous material impacts be less-than-significant (EIR, p. 4.7-21).

In addition, a Health Risk Assessment (HRA) has been prepared for the Project (please refer to Final EIR Appendix B). The HRA further substantiates that the Project gasoline dispensing facility would not result in potentially significant hazards/hazardous material impacts. Result and conclusions of the EIR are not affected.

**From:** Ryan Xu  
**To:** [Kanika Kith](#)  
**Subject:** Hi, Kanika. My consideration regarding the new gas station in Hamner Rd, Eastvale.  
**Date:** Wednesday, May 16, 2018 4:13:37 PM

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To City of Eastvale and Kanika:

My name is Ryan, and I am the house owner of 7402 Excelsior Dr, Eastvale, CA 92880.

I strongly oppose the new gas station and its application for alcohol license at Lewis Retail Center (intersection of Hamner and future Schleisman road). The new gas station will introduce harmful elements to immediate neighbors. It is too close to residents and it is not suitable to this location unless adjustments are made to the current blue print layout by shifting the new gas station further east towards the freeway.



RXU-1

Sincerely,

Ryan

Ryan Xu  
7402 Excelsior Dr.  
Eastvale, CA 92880

Email Dated May 16, 2018

Comment RXU-1

*My name is Ryan, and I am the house owner of 7402 Excelsior Dr, Eastvale, CA 92880.*

*I strongly oppose the new gas station and its application for alcohol license at Lewis Retail Center (intersection of Hamner and future Schleisman road). The new gas station will introduce harmful elements to immediate neighbors. It is too close to residents and it is not suitable to this location unless adjustments are made to the current blue print layout by shifting the new gas station further east towards the freeway.*

Response RXU-1

The Commentor is providing an opinion regarding opposition to the proposed gas station and an application for an ABC license for the off-site sale of beer and wine. Although the site plan shows the gas station, the City has not yet received an application for the gas station or a request for an ABC license. It is anticipated that the formal applications will be submitted at a later date, when a specific user is identified.

In regard to the concerns to harmful elements of the gas station operations to the surrounding neighborhood, the EIR recognizes that the Project gasoline dispensing facility may result in potentially hazardous conditions. The Project would however be required to comply with the provisions established by Section 2540.7, Gasoline Dispensing and Service Stations, of the California Safety and Health (Cal/OSHA) Regulations; Chapter 38, Liquefied Petroleum Gases, of the California Fire Code; Resource Conservation and Recovery Act requirements; and the Riverside County Fire Department requirements. Collectively, the routine inspection of the Project gas station, the USTs, and all associated fuel delivery infrastructure, along with the continued mandated compliance with all federal, State, and local regulations, would ensure that the

Project gasoline dispensing facility would not result in potentially significant hazards/hazardous material impacts be less-than-significant (EIR, p. 4.7-21).

In addition, a Health Risk Assessment (HRA) has been prepared for the Project (please refer to Final EIR Appendix B). The HRA further substantiates that the Project gasoline dispensing facility would not result in potentially significant hazards/hazardous material impacts. Result and conclusions of the EIR are not affected.

**From:** I j  
**To:** [Kanika Kith](#)  
**Subject:** About gas station  
**Date:** Wednesday, May 16, 2018 4:44:18 PM

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To City of Eastvale:

I strongly oppose the new gas station and its application for alcohol license at Lewis Retail Center (intersection of Hamner and future Schleisman road). The new gas station will introduce harmful elements to immediate neighbors. It is too close to residents and it is not suitable to this location unless adjustments are made to the current blue print layout by shifting the new gas station further east towards the freeway.

UNK-1

Sincerely,

Sent from my iPhone

Unknown Commentor

No address or contact information provided

Email Dated May 16, 2018

Comment UNK-1

*I strongly oppose the new gas station and its application for alcohol license at Lewis Retail Center (intersection of Hamner and future Schleisman road). The new gas station will introduce harmful elements to immediate neighbors. It is too close to residents and it is not suitable to this location unless adjustments are made to the current blue print layout by shifting the new gas station further east towards the freeway.*

Response UNK-1

The Commentor is providing an opinion regarding opposition to the proposed gas station and an application for an ABC license for the off-site sale of beer and wine. Although the site plan shows the gas station, the City has not yet received an application for the gas station or a request for an ABC license. It is anticipated that the formal applications will be submitted at a later date, when a specific user is identified.

In regard to the concerns to harmful elements of the gas station operations to the surrounding neighborhood, the EIR recognizes that the Project gasoline dispensing facility may result in potentially hazardous conditions. The Project would however be required to comply with the provisions established by Section 2540.7, Gasoline Dispensing and Service Stations, of the California Safety and Health (Cal/OSHA) Regulations; Chapter 38, Liquefied Petroleum Gases, of the California Fire Code; Resource Conservation and Recovery Act requirements; and the Riverside County Fire Department requirements. Collectively, the routine inspection of the Project gas station, the USTs, and all associated fuel delivery infrastructure, along with the continued mandated compliance with all federal, State, and local regulations, would ensure that the Project gasoline dispensing facility would not result in potentially significant hazards/hazardous material impacts be less-than-significant (EIR, p. 4.7-21).

In addition, a Health Risk Assessment (HRA) has been prepared for the Project (please refer to Final EIR Appendix B). The HRA further substantiates that the Project gasoline dispensing facility would not result in potentially significant hazards/hazardous material impacts. Result and conclusions of the EIR are not affected.

## **4.0 MITIGATION MONITORING PROGRAM**

## 4.0 MITIGATION MONITORING PROGRAM

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### 4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring program has been developed pursuant to State law. This Mitigation Monitoring Program (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described at *CEQA Guidelines* §15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

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

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section at Table 4.2-1.

## 4.2 MITIGATION MONITORING AND REPORTING

### **Mitigation Monitoring and Responsibilities**

As the Lead Agency, the City of Eastvale is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

**Table 4.2-1  
Lewis Retail Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<b><u>Traffic and Circulation</u></b>				
4.2.1 <i>Prior to the issuance of the final Certificate of Occupancy for each building, the Project Applicant shall pay that building's fair share fee amounts toward the construction of City of Eastvale improvements required under Existing With-Project (+Project) listed at EIR Table 4.2-12.</i>	Prior to issuance of final Certificate of Occupancy.	Applicant	City of Eastvale: Public Works Department	City shall verify receipt of fees prior to issuance of final Certificate of Occupancy.
4.2.2 <i>Prior to the issuance of the final Certificate of Occupancy for each building, the Project Applicant shall pay that building's fair share fee amounts toward the construction of City of Eastvale improvements required under Existing With-Project (+Project) listed at EIR Table 4.2-15.</i>	Prior to issuance of final Certificate of Occupancy.	Applicant	City of Eastvale: Public Works Department	City shall verify receipt of fees prior to issuance of final Certificate of Occupancy.
4.2.3 <i>Prior to the issuance of the final Certificate of Occupancy for each building, the Project Applicant shall pay that building's fair share fee amounts toward the construction of City of Eastvale improvements required under Opening Year With-Project (+Project) listed at EIR Table 4.2-18.</i>	Prior to issuance of final Certificate of Occupancy.	Applicant	City of Eastvale: Public Works Department	City shall verify receipt of fees prior to issuance of final Certificate of Occupancy.

**Table 4.2-1  
Lewis Retail Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
4.2.4 <i>Prior to the issuance of the final Certificate of Occupancy for each building, the Project Applicant shall pay that building's fair share fee amounts toward the construction of City of Eastvale improvements required under Opening Year With-Project (+Project) listed at EIR Table 4.2-21.</i>	Prior to issuance of final Certificate of Occupancy.	Applicant	City of Eastvale: Public Works Department	City shall verify receipt of fees prior to issuance of final Certificate of Occupancy.
<b><u>Air Quality</u></b>				
4.3.1 <i>Only "Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.</i>	Prior to issuance of building permit(s), general contractor(s) shall designate construction liaison officer(s) whose responsibilities shall include on-going monitoring of construction activities for compliance with the EIR air quality mitigation measures.	Applicant and general contractor(s)	City of Eastvale: Building and Safety Division	On-going compliance monitoring by construction liaison officer. City/SCAQMD to respond to any community air quality concerns.
4.3.2 <i>Contractor(s) shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least four (4) times daily during dry weather. Watering, shall occur preferably in the mid-morning, afternoon, and after work is done for the day. Contractor (s) shall install and</i>	Per MM 4.3.1	Applicant and general contractor(s)	City of Eastvale: Building & Safety Division	Per MM 4.3.1

**Table 4.2-1  
Lewis Retail Project  
Mitigation Monitoring Program**

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><i>maintain project contact signage that meets the minimum standards of SCAQMD Rule 403 including a 24-hour manned toll-free or local phone number, prior to initiating any type of earth-moving operations.</i></p>				
<p>4.3.3 <i>Prior to issuance of Certificate of Occupancy for each of the Project areas identified below, a minimum of 10 electric vehicle (EV) charging stations shall be installed and distributed throughout the site as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Lewis Retail/Commercial Facilities: a minimum of 4 EV charging stations</i></li> <li>• <i>Hotel: a minimum of 2 EV charging stations</i></li> <li>• <i>Civic Center: a minimum of 4 EV charging stations</i></li> </ul>	<p>Prior to issuance of final Certificate of Occupancy for each of the identified Project areas</p>	<p>Applicant</p>	<p>City of Eastvale: Building &amp; Safety Division</p>	<p>City shall verify EV charging station completion fees prior to issuance of final Certificate of Occupancy.</p>
<p><b><u>Global Climate Change and Greenhouse Gas Emissions</u></b></p>				
<p>4.4.1 <i>Prior to issuance of Certificate of Occupancy for each of the Project areas identified below, a minimum of 10 electric vehicle (EV) charging stations shall be installed and distributed throughout the site as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Lewis Retail/Commercial Facilities: a minimum of 4 EV charging stations</i></li> <li>• <i>Hotel: a minimum of 2 EV charging stations</i></li> <li>• <i>Civic Center: a minimum of 4 EV charging stations</i></li> </ul>	<p>Prior to issuance of final Certificate of Occupancy for each of the identified Project areas</p>	<p>Applicant</p>	<p>City of Eastvale: Building &amp; Safety Division</p>	<p>City shall verify EV charging station completion fees prior to issuance of final Certificate of Occupancy.</p>

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<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<b><u>Noise</u></b>				
4.5.1 <i>The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site.</i>	Prior to issuance of building permit(s), general contractor(s) shall designate construction liaison officer(s) whose responsibilities shall include on-going monitoring of construction activities for compliance with the EIR noise mitigation measures.	Construction Contractor(s).	City of Eastvale: Building & Safety Division	On-going compliance monitoring by construction liaison officer. City to respond to any community noise concerns.
4.5.2 <i>No car wash activities shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.</i>	Ongoing.	Applicant.	City of Eastvale: Building & Safety Division	Ongoing. City to respond to any community noise concerns.
<b><u>Hazards and Hazardous Materials</u></b>				
4.7.1 <i>All stained soils within Site 1 impacted with TPH shall be excavated and properly disposed of to an offsite facility. It is assumed that approximately 30 cubic yards of soil in the vicinity of the swimming pool will require removal. Any additional stained or odorous soil identified during site development activities shall also be appropriately removed and disposed of offsite.</i>	Throughout construction.	Construction contractor, Applicant.	City of Eastvale: Building & Safety Division	Ongoing throughout construction.

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<u>Cultural Resources</u>	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
4.9.1	<p><i>A paleontological monitoring program shall be implemented during all earth-moving operations reaching beyond the depth of two feet in all but the southernmost portion of the Project site (and in that portion as well if paleontologically sensitive sediments are identified in the field). The monitoring program shall be developed in accordance with the provisions of CEQA as well as the proposed guidelines of the Society of Vertebrate Paleontology (2010), and shall include but not be limited to the following components:</i></p> <ul style="list-style-type: none"> <li><i>• Excavations in sediments identified as likely to contain fossil remains shall be monitored for potential paleontological resources. The monitor shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays, and shall collect samples of sediments that are likely to contain fossil remains of small vertebrates or in vertebrates. However, the monitor must have the power to temporarily halt or divert grading equipment to allow for the removal of abundant or large specimens.</i></li> <li><i>• Collected samples of sediment shall be processed to recover small fossils, and all recovered specimens shall be identified and curated at a repository with permanent retrievable storage.</i></li> </ul>	<p><i>During grading and excavation activities.</i></p>	<p><i>Construction contractor, Applicant, Project Archaeological Monitor(s).</i></p>	<p><i>City of Eastvale: Planning Department, Building &amp; Safety Division</i></p>	<p><i>On-going throughout ground-disturbing activities and at the discretion/direction of the Project Archaeological Monitor(s).</i></p>

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Lewis Retail Project  
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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<ul style="list-style-type: none"> <li>A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the procedures outlined above. The report shall include a discussion of the significance of the paleontological findings, if any. The report and the inventory, when submitted to the City of Eastvale: would signify completion of the program to mitigate potential impacts on paleontological resources.</li> </ul>				
<p>4.9.2 <i>Monitoring Agreement. Prior to the issuance of a grading permit, the Project Applicant (Applicant) shall contact each consulting Native American tribe that has requested monitoring through consultation with the City during the AB 52 process and shall develop and implement a Tribal Monitoring Agreement (Agreement) with requesting tribe(s). Consulting tribes include Soboba Band of Luiseño Indians and Gabrieleño Band of Mission Indians-KIZH Nation. A copy of the Agreement shall be provided to the City of Eastvale Planning Department prior to the issuance of a grading permit.</i></p>	<p>Prior to issuance of grading permit(s).</p>	<p>Applicant.</p>	<p>City of Eastvale: Planning Department</p>	<p>City to verify completion prior to issuance of grading permit(s).</p>
<p>4.9.3 <i>Tribal Cultural Resources (TCR) Monitor and Monitoring Plan. At least 30 days prior to application for a grading permit and before any grading, excavation, and/or ground-disturbing activities, the Applicant shall retain a Secretary of Interior Standards-qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown Tribal Cultural Resources</i></p>	<p>Prior to issuance of grading permit(s).</p>	<p>Applicant.</p>	<p>City of Eastvale: Planning Department</p>	<p>City to verify completion prior to issuance of grading permit(s).</p>

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>(TCRs). The Project archaeologist, in consultation with the interested tribes identified at Mitigation Measure 4.9.2, and the developer(s), shall implement a TCR Monitoring Plan (Monitoring Plan).</p> <p>The Monitoring Plan shall include:</p> <ul style="list-style-type: none"> <li>A. Project<sup>1</sup> grading and development scheduling.</li> <li>B. Cultural sensitivity training for the construction staff to be held during required pre-grading/ground disturbance meeting(s).</li> <li>C. The development of a rotating or simultaneous schedule in coordination with the Applicant and the Project archaeologist for designated Native American tribal monitors representing consulting tribes during grading, excavation, and ground-disturbing activities on the site.</li> <li>D. The safety requirements, duties, scope of work, and Native American tribal monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists.</li> <li>E. The protocols and stipulations that the developer(s), tribes, and Project archaeologist will follow in the event of TCR discoveries.</li> </ul>				

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<sup>1</sup> Project and Project site include both Site 1 and Site 2 as described within this EIR.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>4.9.4 <i>Treatment and Disposition of Tribal Cultural Resources. If TCRs as defined at Public Resources Code section 21074, are encountered during Project ground-disturbing activities, the following TCR treatment and disposition procedures shall be implemented:</i></p> <p>A. <i>Temporary Curation and Storage. During construction, all encountered TCRs shall be temporarily curated in a secure location on-site or at the offices of the Project archaeologist. Any TCRs removed from the Project site shall be thoroughly inventoried with tribal monitor oversight of the process.</i></p> <p>B. <i>Treatment and Final Disposition. The Applicant shall relinquish ownership of all TCRs, including sacred items, burial goods, and all archaeological artifacts and non-human remains. The Applicant shall relinquish the artifacts through reburial and/or curation as indicated below and shall provide the City Planning Department with documentation of same in a Final Report as specified below. If more than one tribe is involved with the Project and cannot come to a consensus as to the disposition of TCRs, TCRs in dispute shall be curated at the Western Science Center.</i></p> <p>1. <i>Reburial on-site. If TCR reburial on-site is possible without adversely affecting the Project’s design, in consultation with consulting tribe(s), accommodate the process for such on-site reburial. The process for reburial shall include measures and provisions to protect the reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.</i></p>	<p>Ongoing throughout ground-disturbing activities.</p>	<p>Construction contractor, Applicant, Project Archaeological Monitor(s).</p>	<p>City of Eastvale: Planning Department, Building &amp; Safety Division</p>	<p>On-going throughout ground-disturbing activities and at the discretion/direction of the Project Archaeological Monitor(s).</p>

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<p>2. <i>Permanent Curation.</i> A curation agreement with a qualified repository (Repository) in Riverside County that meets federal standards based on 36 Code of Federal Regulations Part 79. Any curated TCRs and associated records shall be transferred, including title, to the Repository, to be accompanied by payment of the fees necessary for permanent curation.</p>				
<p>3. <i>Monitoring Report.</i> Within 60 days of the completion of Project ground-disturbing activities, a Phase IV Monitoring Report (Report) shall be submitted to the City documenting monitoring activities conducted by the Project archaeologist and tribal monitors. The Report shall:</p> <ul style="list-style-type: none"> <li>a. Document the impacts to TCRs;</li> <li>b. Describe how each TCR mitigation measure was fulfilled;</li> <li>c. Document the type of recovered TCRs and the disposition of such resources;</li> <li>d. Provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grading/ground disturbance meeting(s);</li> <li>e. In a confidential appendix, include the daily/weekly monitoring notes from the Project archaeologist.</li> <li>f. Be submitted to the City, Eastern Information Center, and consulting tribes.</li> </ul>				

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>4.9.5 <i>Human Remains.</i> Complementing mandated requirements of California Health and Safety Code Section 7050.5, and California Public Resources Code Section 5097.98(b), the following measure shall be implemented if any human remains are encountered in the course of Project development:</p> <ul style="list-style-type: none"> <li>Following discovery and during assessment of any encountered human remains, work shall be diverted at least 50 feet from the site of encountered remains. The location(s) of encountered human remains shall be kept confidential and shall be secured to prevent disturbance. If left overnight, remains shall be covered with a muslin cloth and steel plate over the excavation to protect the remains. If this method of protection is not feasible, a guard shall be posted.</li> </ul>	<p>Ongoing throughout ground-disturbing activities.</p>	<p>Construction contractor, Applicant, Project Archaeological Monitor(s).</p>	<p>City of Eastvale: Planning Department, Building &amp; Safety Division</p>	<p>On-going throughout ground-disturbing activities and at the discretion/direction of the Project Archaeological Monitor(s).</p>
<p><b><u>Biological Resources</u></b></p>	<p>Prior to issuance of first grading permit.</p>	<p>Construction contractor, Applicant, Project Biologist.</p>	<p>City of Eastvale: Planning Department; CDFW</p>	<p>City to verify owl survey completion prior to issuance of rough grading permit. If owl(s) are determined to be present, City to verify plan for implementation of CDFW burrowing owl mitigation protocols.</p>

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><i>BIO-2 Pursuant to the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31, but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for burrowing owls and nesting birds shall be conducted within thirty (30) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300- foot buffer around the active nest. For raptors and special-status species, this buffer will be expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.</i></p>	<p>Protection and monitoring per MBTA and CDFW requirements on-going throughout rough grading activities. If construction would occur during the nesting season, Applicant shall provide required survey results to City Planning Department prior to issuance of rough grading permit.</p>	<p>Construction contractor, Applicant, Project Biologist.</p>	<p>City of Eastvale; Planning Department; CDFW</p>	<p>Protection and monitoring per MBTA and CDFW requirements on-going throughout rough grading activities. If construction would occur during the nesting season, Applicant shall provide required survey results to City Planning Department prior to issuance of rough grading permit.</p>