Appendix A

NOP and Scoping Comment Letters

CITY OF POMONA PLANNING DIVISION

NOTICE OF PREPARATION

This is not a citation (Esto no es una citación).
If you are receiving this notice, your property is located within 1,000 feet of the proposed project.
See page 4 for information on how to access the document and participate in a public meeting.

FROM:	City of Pomona Development Services Department, Planning Division 505 S. Garey Ave. Pomona, California 91766
DATE:	October 19, 2022
SUBJECT:	Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Elephant Hill Project, for the proposed 228-Unit Residential Development
PROJECT NAME:	Elephant Hill Project – **Conditional Use Permit (CUP 17350-2021), Tentative Tract Map (TRACTMAP 15999-2021), and Major Oak Tree Permit (MAJOTP 19533-2022)**
PROJECT APPLICANT:	Trumark Homes
PROJECT ADDRESS:	2889 W. Mission Boulevard (Assessors' Parcel Numbers 8707-020-001, 8707-020-008, and 8708-021-058)
PROJECT CITY/COUNTY:	Pomona, County of Los Angeles

The City of Pomona (City), as the lead agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR) for the proposed project. In accordance with Section 15082 of the CEQA Guidelines, the City is issuing this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed project and its potential environmental effects. The purpose of this notice is to:

1. Serve as the NOP of an EIR for the Office of Planning and Research (OPR), responsible agencies, and trustee agencies responsible for natural resources affected by the project, pursuant to CEQA Guidelines Section 15082.
2. Advise and solicit comments regarding the environmental issues to be addressed in the EIR from interested parties, including members of the public.

PROJECT LOCATION:

The 120.6-acre project site is located at Elephant Hill, a largely undeveloped foothill within the City (project site; see Figure 1, Project Location and Figure 2, Aerial View). Specifically, the project site is located directly to the east of State Route (SR) 57; south of the Union Pacific Railroad tracks right-of-way, Spadra Cemetery, and the Los Angeles County Pomona Water Reclamation Plant; north of Mission Boulevard and Sorrento Ridge residential development and Eaves apartments; northwest of the Pomona Police Department Range and Inland Valley Humane Society; and approximately 370 feet west of Humane Way. The project site consists of three parcels (Assessors' Parcel Numbers 8707-020-001, 8707- 020-008, and 8708-021-058). As shown in Figure 3, Existing General Plan Land Use Designation, the project site is designated by the City of Pomona General Plan (2014) as Open Space and Urban Neighborhood. The site has split zoning, with the northern portion of the project site zoned as Open Space (O) and the southern portion of the site zoned as Planned Residential Development (PRD). with a Senate Bill (SB) 330 Overlay Zone (see Figure 4, Existing Zoning and Overlay). A small portion of the project site (1,591 square feet) located in the southern portion of the site to the north of Mission Boulevard, is within the Phillips Ranch Specific Plan and designated as Multi-Family Residential.

PROJECT DESCRIPTION:

Development Area

The proposed Development Area associated with the proposed Elephant Hill project (project) would be focused within the 43.77-acre southwestern portion of the site (Development Area) that is designated as Urban Neighborhood (Figure 5, Conceptual Site Plan). The proposed Development Area would include development of 228 residential dwelling units, a recreational center, developed open space (including landscaped slopes and fuel modification areas), onsite roads, and utility infrastructure. A land use summary of the Development Area is provided in Table 1, Land Use Summary, below. The various components of the development area are also outlined below.

Residential Development

The proposed residential development would include four separate areas (Areas 1, 2, 3, and 4) for a total of 15.32 acres (see Figure 5). The residential component would include 228 residential dwelling units, with 68 single-family units and 160 multifamily units. The proposed multifamily residential units would be composed of 94 two-story duplexes and 66 three-story townhomes. The overall gross density would be 4.39 dwelling units per acre (see Figure 6, Development Area Site Plan).

Recreation Center and Developed Open Space

Within the Development Area, the project would include a 1.02-acre recreation center, to be located between Areas 1, 2, and 3 (see Figure 5). The recreation center would include a multipurpose room, a pool and community spa, various courtyard and event areas, restrooms, a dining and sun deck area, a cabana terrace, an event lawn area, and retaining walls. The recreation center would be private and would serve the proposed project's residents. In addition, the project would include approximately 21.01 acres of developed open space, which would include landscape slopes and fuel modification areas, to be located throughout the Development Area, and would include landscaping as well as a trail, with four separate lookouts provided along the western perimeter of the Development Area.

Circulation and Parking

The project would include 6.42 acres of a series of paved roadways, including internal private streets that would connect to the public street system at Sorrento Drive and Mission Boulevard, both located to the south of the Development Area. On-site parking would total 666 parking spaces and would include surface head-in parking, garage parking, and on-street parking.

On-site Utilities

On-site utility improvements would include stormwater, water, sewer, electrical, and other dry utilities, to be located within the Development Area.

Walls and Fencing

Terraces would be retained by a mechanically stabilized earth (MSE) retaining wall. The MSE will be constructed of precast concrete panels, and the entire height of the retaining walls will measure between 22 and 25 feet in height.

Open Space Area

A total of 76.83 acres of existing open space located in the eastern and northeastern portion of the project site (Open Space Area) would remain undeveloped. Within the Open Space Area, 68.57 acres would remain undeveloped and untouched (Natural Open Space Area), while approximately 8.26 acres of biological habitat mitigation is proposed within the northern portion of the Open Space Area (mitigation area), which would include 4.95 acres of coastal sage scrub restoration activities and 3.31 acres of habitat preservation areas. The habitat preservation areas would include 2.01 acres of coastal sage scrub preservation, 1.19 acres of walnut preservation, and 0.11 acres of dudleya preservation (see Figure 7, On-Site Mitigation Location). The preservation of many-stemmed dudleya will include approximately 5,000 individual plants. The coastal sage scrub restoration activities would include weed removal, planting, and annual maintenance and monitoring, subject to a Habitat Mitigation and Monitoring Plan and Long-Term Maintenance Plan. A land use summary of the Open Space Area is provided in Table 1, below.

Table 1. Land Use Summary

Project Component	Acres
Development Area	
Residential Lots and Utility Infrastructure	15.32
Recreation Center	1.02
Paved Roads	6.42
Developed Open Space (Landscape Slopes and Fuel Modification Areas)	21.01
Total (Development Area)	*43.77*
Open Space Area	
Natural Open Space	68.57
Mitigation Area	8.26
Total (Open Space Area)	*76.83*
Total (Project Site)	**120.6**

Off-Site Utilities

As discussed above, the project would include construction of three off-site utility infrastructure components. This includes a new water line within Mission Boulevard and Sorrento Drive; an additional storm drain main along Mission Boulevard, just south of Area 4; and an additional sewer line that would extend along Mission Boulevard, just east of the project site until it reaches an existing sewer line to the southeast of the existing Pomona Police Department (Figure 5).

Project Construction

In order to build the proposed project, the project would involve grading of 35.98 acres. Grading would involve approximately 1,111,998 cubic yards of cut and approximately 1,215,939 cubic yards of fill. The project proposes to cut into the hill area and utilize that material to create terraces at the base of the hillside. Blasting would be required in order to cut into the hillside and would occur during grading from January 2024to September 2024. No more than one blast per day, and a couple per week, would occur during construction activities. Grading would not be phased and would be expected to begin during the first quarter of 2024.

DISCRETIONARY APPROVALS REQUESTED:

The project would be consistent with the site's General Plan designation (Open Space and Urban Neighborhood) and zoning designation (O, PRD, and Phillips Ranch Specific Plan Multi-Family Residential, with a SB 330 Overlay Zone) and does not require any land use or zoning change. The project is also being processed pursuant to SB 330 and consistent with the SB 330 Overlay Zone. Because the project proposes for-sale condominium units, it requires a tentative tract map under the Subdivision Map Act. The project also includes a Conditional Use Permit for the construction of the proposed residences, which is an entitlement required by Section 316 of the Pomona Zoning Ordinance, "Planned Residential Development District," Section C, which states that "no building or structure shall be designed, erected or structurally altered, and no building or structure or land shall be used except in conformity with the final development plot plan approved subject to the issuance of a conditional use permit." Lastly, the project would require a Major Oak Tree Permit (MAJOTP 19533-2022), for removal of existing oak trees on-site.

EIR SCOPE:

The City has determined that the project may cause significant adverse environmental effects and potentially significant indirect, direct, and cumulative environmental effects. Therefore, an EIR will be prepared pursuant to the requirements of CEQA, Public Resources Code Section 21000 et seq., and the State CEQA Guidelines, 4 Cal. Code of Regulations Section 15000 et seq. The potential environmental effects of the project that will be analyzed in the EIR include agriculture, aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and wildfire. For each of these environmental factors, the Draft EIR will utilize Appendix G of the State CEQA Guidelines and consider all of the actions involved, including potential impacts on the project site and offsite impacts necessary to implement the project, short-term construction impacts and long-term operational impacts, and cumulative impacts that could result from the combination of the project and related projects.

RESPONSIBLE AGENCIES:

In accordance with Section 15082 of the CEQA Guidelines, this NOP is being sent to the State Office of Planning and Research, responsible agencies, trustee agencies, and other interested parties. Agencies are requested to review the project description provided in this NOP and provide comments on environmental issues related to their respective statutory responsibilities. If you are an authorized representative of a responsible agency, or a trustee agency, a transportation planning agency, an agency with transportation facilities that may be affected, or a Federal agency involved in approving or funding the proposed project, the City encourages you to express the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR for this proposed project if it will consider a permit or other approval for the proposed project.

DOCUMENT AVAILABILITY:

This Notice of Preparation was sent via U.S. Certified Mail to adjacent property owners and residents, and those who have requested to be notified of any planning-related changes on this property. In addition, this Notice of Preparation was directly uploaded to the CEQAnet Web Portal in the State Clearinghouse of the Governor's Office of Planning and Research. This NOP is available for public review on the City's website athttps://www.pomonaca.gov/CEQA. Additional, copies of the NOP are available for public review at City of Pomona, Development Services Department, Planning Division, 505 S. Garey Ave., Pomona, California 91766. Contact 909.620.2191 to confirm office hours.

PUBLIC COMMENT PERIOD:

The City requests your written comments on the scope of the analysis within the EIR during the 30-day review period, which begins on October 19, 2022, and ends November 18, 2022. All comments must be received no later than 5:00 p.m. on the last day of the NOP comment period. Be sure to include the name, phone number, and address in your response. Please direct your comments or questions to:

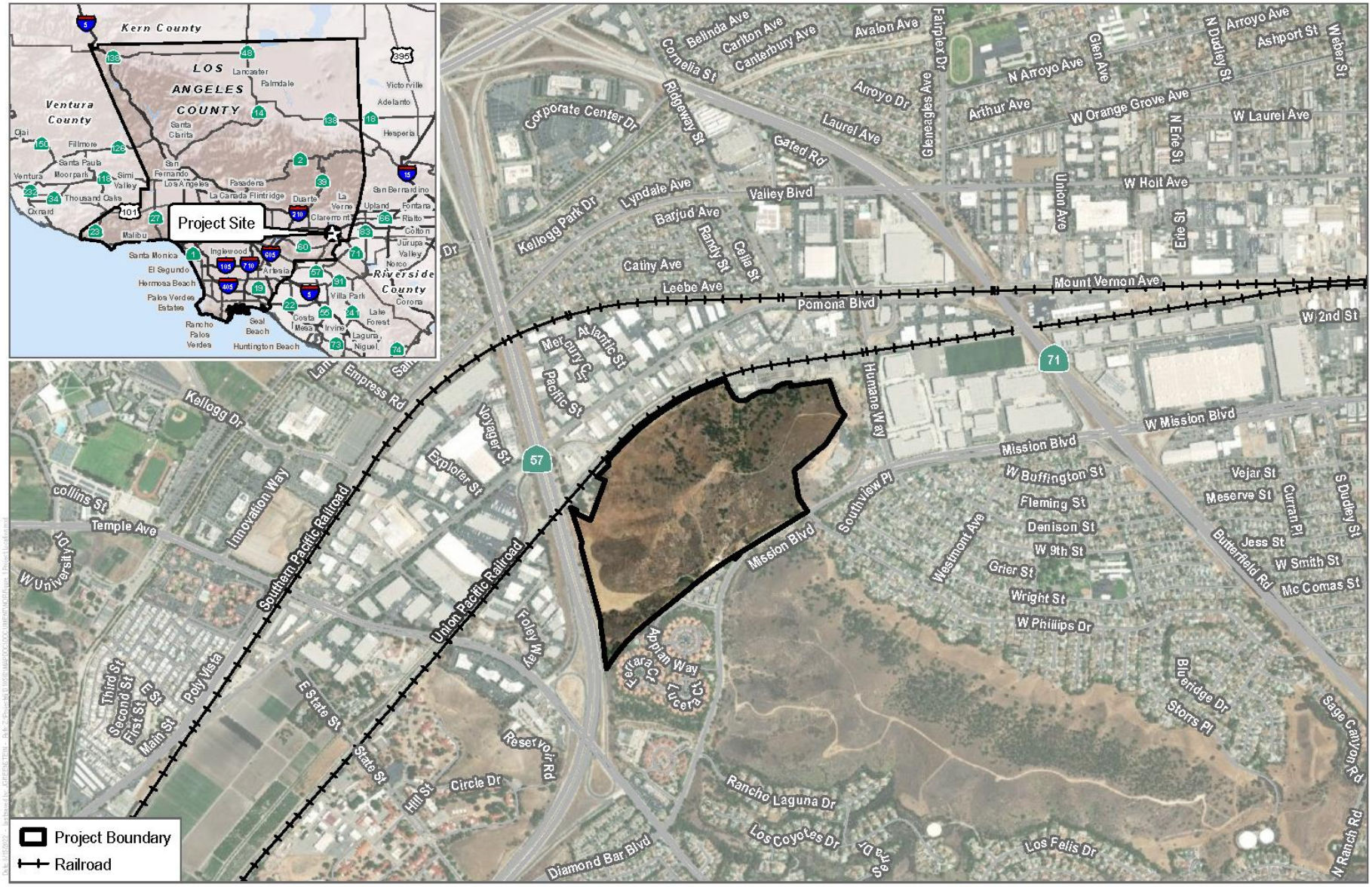
Alex Jimenez, Associate Planner
Planning Division
City of Pomona
505 S. Garey Ave.
Pomona, California 91766
909.620.2241
alex.jimenez@pomonaca.gov

SCOPING MEETING:

The CEQA process encourages environmentally related comments and questions from the public throughout the planning process. Consistent with Section 21083.9 of the CEQA statute, a Public Scoping Meeting will be held to solicit environmentally related public comments on the scope and content of the EIR.

Time & Date	Scoping Meeting for the Elephant Hill Project, Thursday, October 27, 2022, 6:00 p.m.
Location	City Council Chambers, 505 S. Garey, Pomona, CA 91766 (in-person meeting)
Questions	Alex Jimenez, Associate Planner Available to contact at (909) 620-2441 or at alex.jimenez@pomonaca.gov

Para Información en Español, llame (909) 620-2441.



SOURCE: Open Street Map; County of Los Angeles; Bing Maps

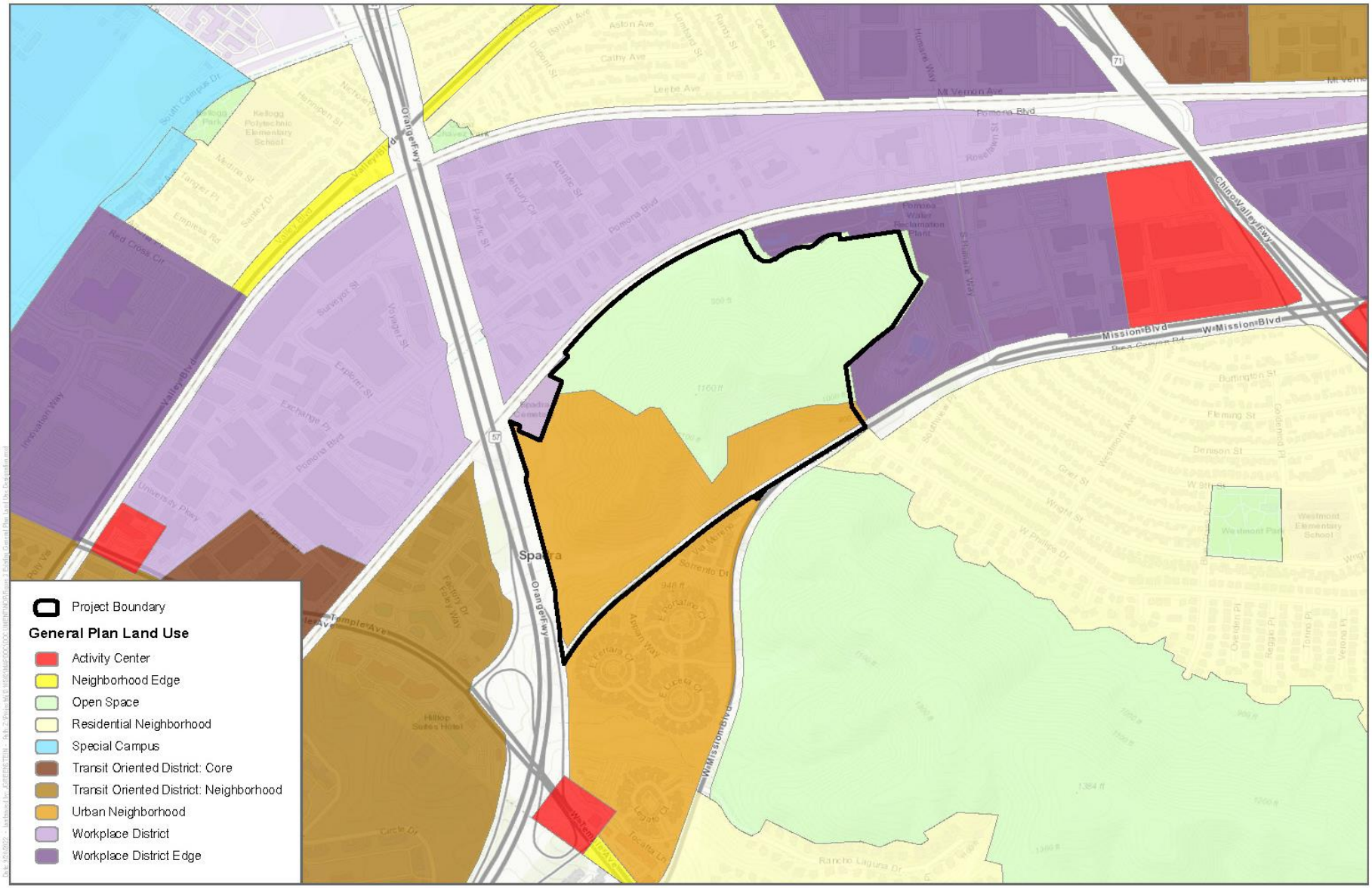
DUDEK 0 1,000 2,000 Feet

FIGURE 1
Project Location
Elephant Hill Notice of Preparation

SOURCE: Open Street Map; County of Los Angeles; Bing Maps

DUDEK 0 250 500 Feet

FIGURE 2
Aerial View
Elephant Hill Notice of Preparation



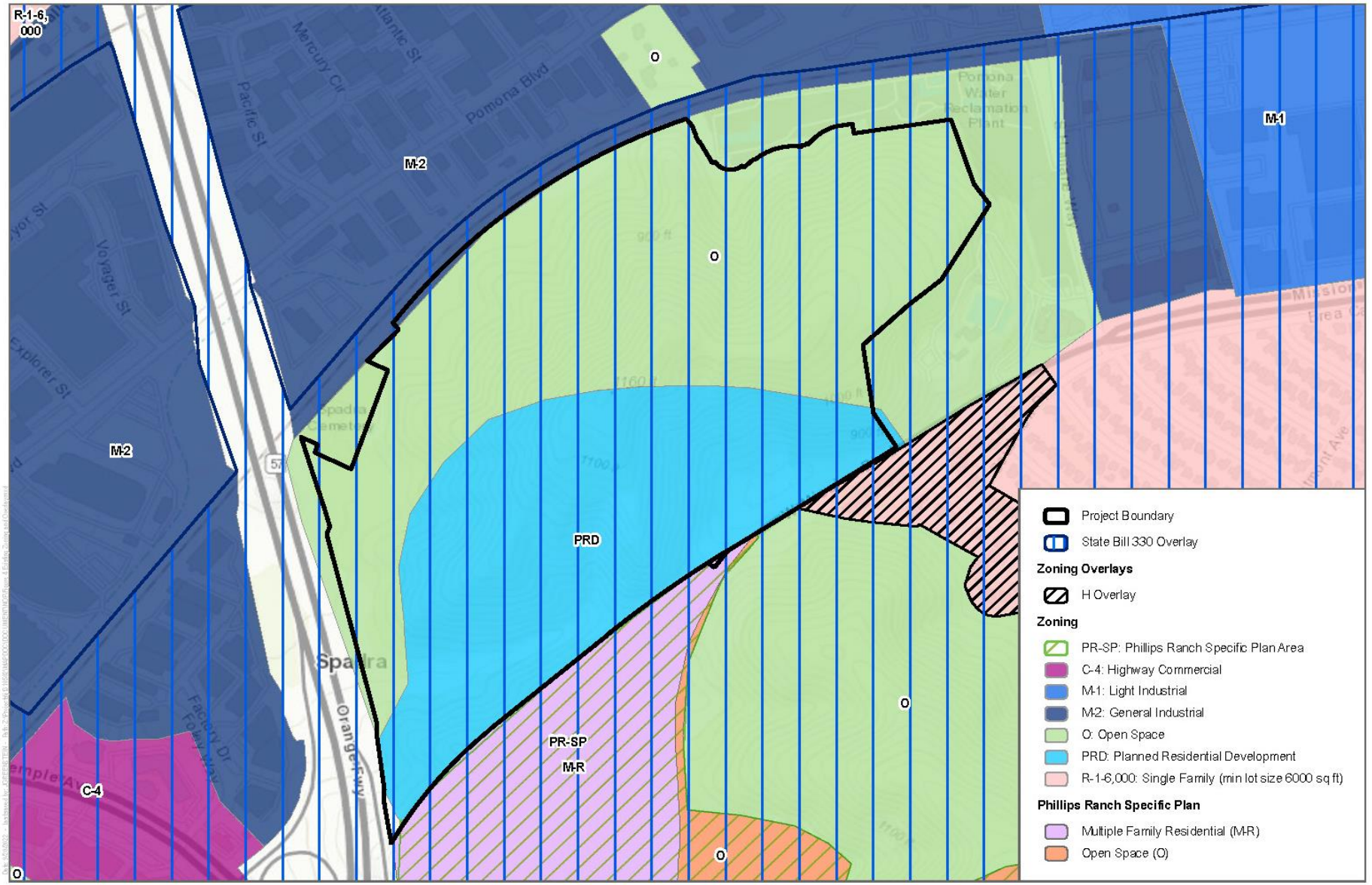
SOURCE: DigitalGlobe 2017; City of Pomona 2022

DUDEK 0 500 1,000 Feet

FIGURE 3

Existing General Plan Land Use Designation

Elephant Hill Notice of Preparation



SOURCE: DigitalGlobe 2017; City of Pomona 2022

DUDEK 0 300 600 Feet

FIGURE 4

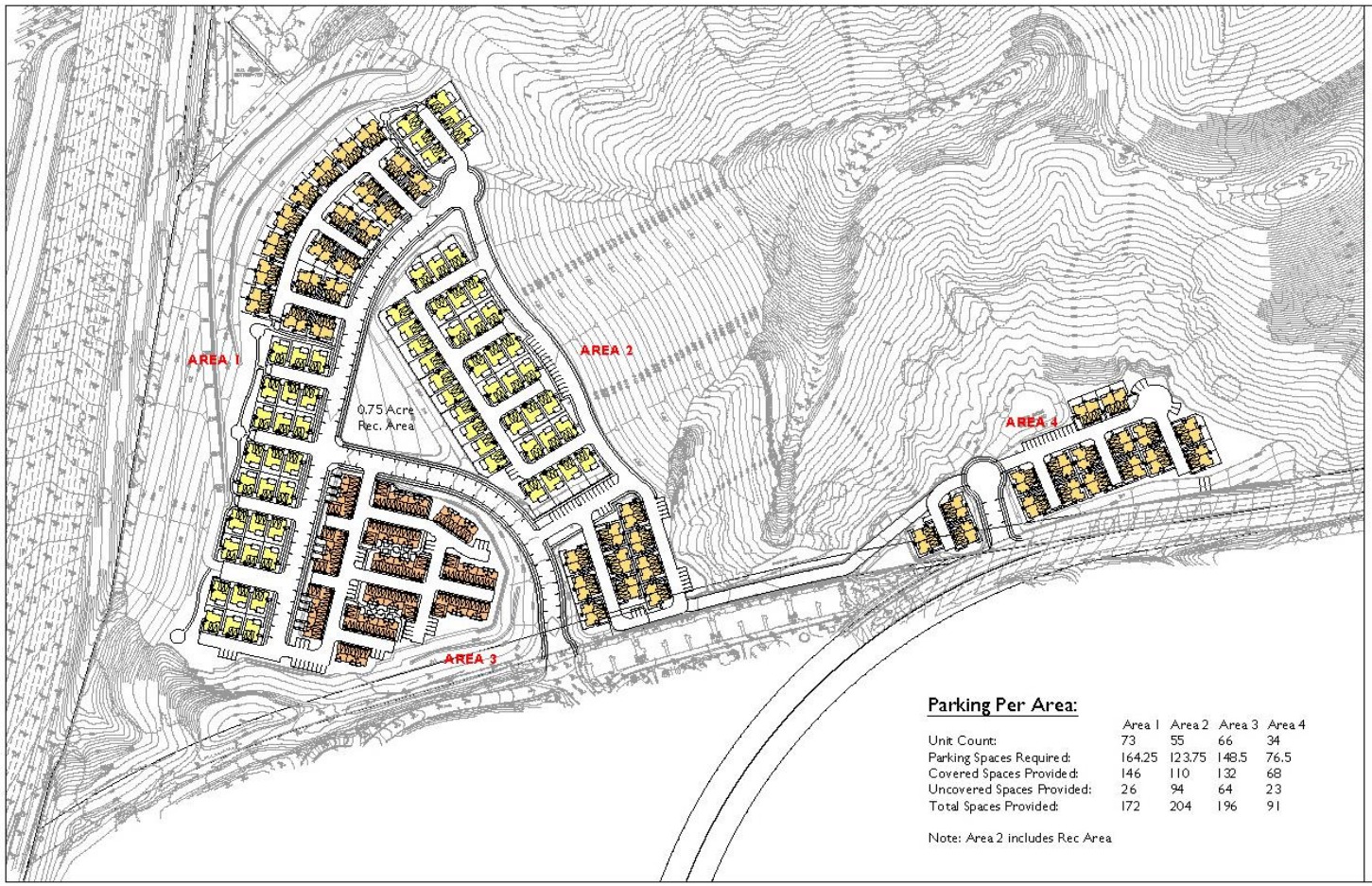
Existing Zoning and Overlay

Elephant Hill Notice of Preparation

SOURCE: DigitalGlobe 2017

DUDEK 0 250 500 Feet

FIGURE 5
Conceptual Site Plan
Elephant Hill Notice of Preparation



Site Summary:

Total: 228 Units

2-Story Cluster SFD
Plan 1 (3B/2.5b, 1,690 sf): 24
Plan 2 (3B/2.5b, 1,760 sf): 21
Plan 3 (4B/3b, 1,930 sf): 23
Subtotal: 68

2-Story Duplex
Plan 1 (2B/2.5b, 1,230 sf): 30
Plan 2 (2B/2.5b, 1,400 sf): 33
Plan 3 (3B/2.5b, 1,660 sf): 31
Subtotal: 94

3-Story Row/Towns
Plan 1 (2B/2.5b, 1,430 sf): 11
Plan 2 (3B/2.5b, 1,460 sf): 11
Plan 3 (3B/2.5b, 1,850 sf): 44
Subtotal: 66

Parking Summary:

Unit Count:	228
Parking Spaces Required:	513
Covered Spaces Provided:	456
Uncovered Spaces Provided:	207
Total Spaces Provided:	663
Parking Ratio:	2.91:1

Note:
Assumes Multi-Family Parking Requirement
(2 Garage and .25 Guest Spaces per unit)

Parking Per Area:

	Area 1	Area 2	Area 3	Area 4
Unit Count:	73	55	66	34
Parking Spaces Required:	164.25	123.75	148.5	76.5
Covered Spaces Provided:	146	110	132	68
Uncovered Spaces Provided:	26	94	64	23
Total Spaces Provided:	172	204	196	91

Note: Area 2 includes Rec Area

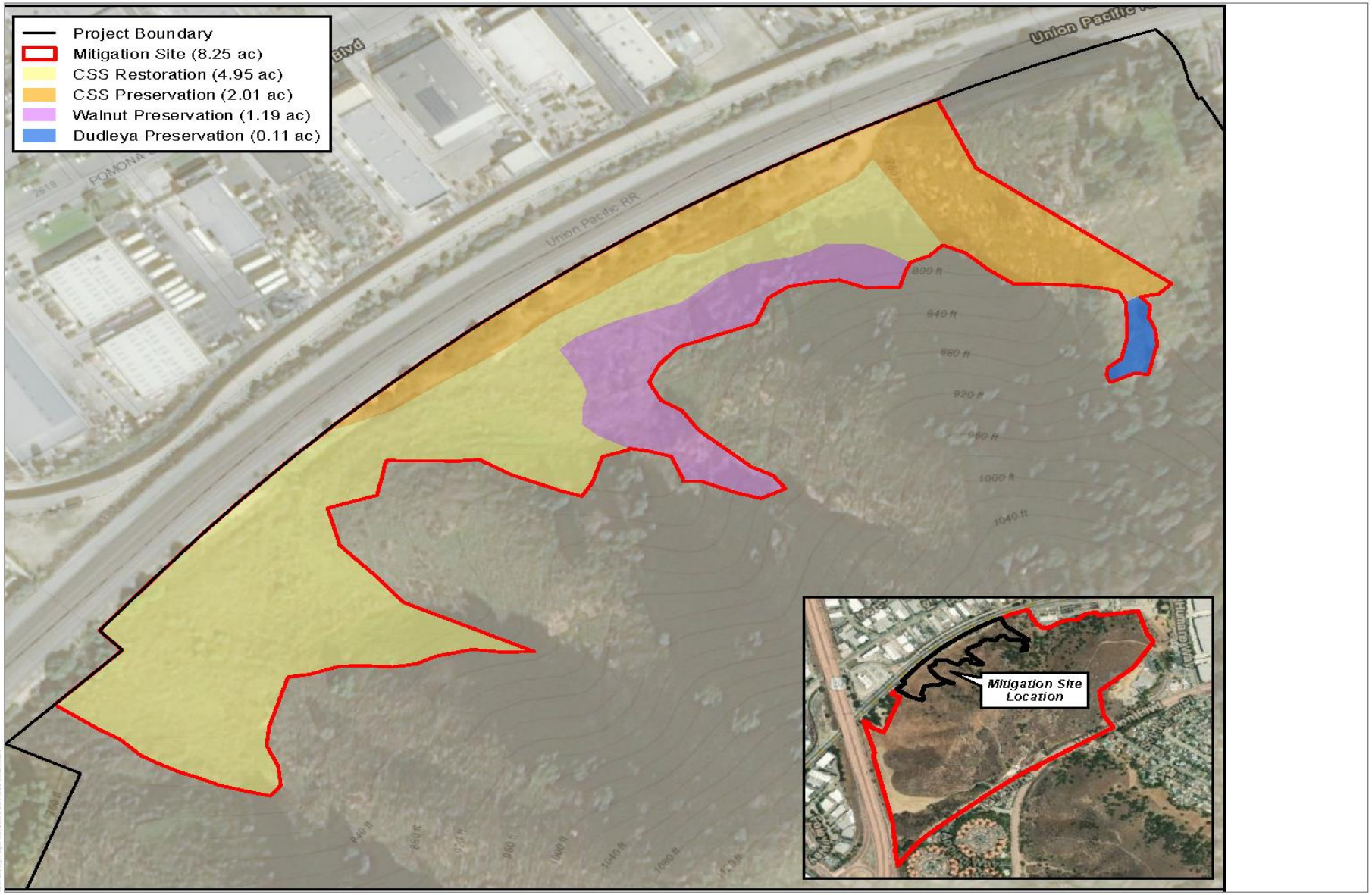
North

Original Scale: 1"= 100'

SOURCE: Bassenian Lagoni 2022

FIGURE 6
Development Area Site Plan
Elephant Hill Notice of Preparation

DUDEK



SOURCE: VCS Environmental, 2022

DUDEK

FIGURE 7
On-Site Mitigation Area
Elephant Hill Notice of Preparation

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life

November 9, 2022

Alex Jimenez, Associate Planner
Planning Division
City of Pomona
505 S. Garey Ave.
Pomona, CA 91766

RE: Elephant Hill Project
SCH # 2022100416
Vic. LA-57/PM 6.16, LA-71/PM 1.6
GTS # LA-2022-04098-NOP

Dear Alex Jimenez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced NOP. The proposed Development Area associated with the proposed Elephant Hill project (project) would be focused within the 43.77-acre southwestern portion of the site (Development Area) that is designated as an Urban Neighborhood. The proposed Development Area would include the development of 228 residential dwelling units, a recreational center, developed open space (including landscaped slopes and fuel modification areas), onsite roads, and utility infrastructure.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

https://opr.ca.gov/ceqa/#guidelines-updates

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Caltrans is aware of the challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, this development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

We encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf

You can also refer to the 2010 *Quantifying Greenhouse Gas Mitigation Measures* report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:

http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf

Also, Caltrans has published the VMT-focused Transportation Impact Study Guide (TISG), dated May 20, 2020 and the Caltrans Interim Land Development and Intergovernmental Review (LD-IGR) Safety Review Practitioners Guidance, prepared in On December 18, 2020. You can review the SB 743 Implementation Resource at the following link:

https://dot.ca.gov/programs/sustainability/sb-743/sb743-resources

Potential environmental effects of the Project should include the Transportation section with VMT analysis in the Draft Environmental Impact Report. Due to the project size and distance to the State facilities, Caltrans requests queuing analysis with actual signal timing at the northbound/southbound off-ramps on SR-71 to W Mission Blvd. and off-ramps on SR-57 to W Temple Ave.

Caltrans encourages lead agencies to prepare traffic safety impact analysis for this development in the California Environmental Quality Act (CEQA) review process using Caltrans guidelines above on the State facilities so that, through partnerships and collaboration, California can reach zero fatalities and serious injuries by 2050.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2022-04098AL-NOP.

Sincerely,

Miya Edmonson

MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Via Electronic Mail Only

November 17, 2022

Alex Jimenez
City of Pomona
505 S. Garey Ave
Pomona, CA 91766
Alex.Jimenez@pomonaca.gov

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Elephant Hill Project, SCH #2022100416, City of Pomona, Los Angeles County

Dear Ms. Jimenez:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) from the City of Pomona (City) for the Elephant Hill Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The 120.6-acre Project site is located at Elephant Hill, a largely undeveloped foothill within the City. The Project proposes to develop 43.77 acres (Development Area) and retain 76.83 acres as open space (Open Space Area). The Development Area would consist of 228 residential dwelling units, a 1.02-acre recreational center, 21.01 acres of developed open space (including landscaped slopes, fuel modification areas, and trails), 6.42 acres of paved roadways, 666 parking spaces, and utility infrastructure (including stormwater, water, sewer, electrical, and other dry utilities). Terraces would be retained by a mechanically stabilized earth (MSE) retaining wall measuring 22 to 25 feet tall.

The Open Space Area would consist of 68.57 acres of undeveloped and untouched open space (Natural Open Space Area), while approximately 8.26 acres of biological habitat mitigation is proposed within the northern portion of the Open Space Area (Mitigation Area). The Mitigation Area would include 4.95 acres of coastal sage scrub restoration and 3.31 acres of preservation areas. The preservation areas would include 2.01 acres of coastal sage scrub, 1.19 acres of walnut, and 0.11 acres of many-stemmed dudleya (*Dudleya multicailis*) preservation. The preservation of many-stemmed dudleya will include approximately 5,000 individual plants. The coastal sage scrub restoration activities would include weed removal, planting, and annual maintenance and monitoring, subject to a Habitat Mitigation and Monitoring Plan and Long-Term Maintenance Plan.

The Project would require grading of 35.98 acres. Grading would involve approximately 1,111,998 cubic yards of cut and approximately 1,215,939 cubic yards of fill. The Project proposes to cut into the hill area and utilize that material to create terraces at the base of the hillside. Blasting would be required in order to cut into the hillside and would occur during grading from January 2024 to September 2024. No more than one blast per day, and a couple per week, would occur during construction activities. Grading would not be phased and would be expected to begin during the first quarter of 2024.

Location: The Project is located directly to the east of State Route 57; south of the Union Pacific Railroad tracks right-of-way, Spadra Cemetery, and the Los Angeles County Pomona Water Reclamation Plant; north of Mission Boulevard and Sorrento Ridge residential development and Eaves apartments; northwest of the Pomona Police Department Range and Inland Valley Humane Society; and approximately 370 feet west of Humane Way. The Project site consists of three parcels (Assessors' Parcel Numbers 8707-020-001, 8707- 020-008, and 8708-021-058).

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

Specific Comments

1) Development of Open Space. According to the City's Zoning Ordinance Section 0.220 *Open space land zone district Intent and purpose*, "the open land use district, 'O,' is intended to provide for permanent open spaces and governmental facilities in the community." Per Section 0.221 *Uses permitted*, "no building structure or land shall be used […] except for open space uses allowed by conditional use permit only." Open spaces use allowed by a conditional use permit includes the following: 1) archery ranges, 2) bridle trails, 3) campgrounds, 4) driving ranges, 5) fishing ponds, 6) accessory food and beverages uses, 7) any other use the city planner determines to be similar to the above.

   The Project could be using land zoned as Open Space in a manner that is inconsistent with the City's Zoning Ordinance. According to Figure 5 in the NOP, the Development Area's 21.01 acres of developed open space could convert (or use) open space by grading and removing existing natural vegetation, and introducing lawns, artificial turf, non-native plants, imported soils, chemicals, fertilizers, engineered slopes, terraces, irrigation, culverts, and drainages. The DEIR should provide a map showing the Project plan overlaid on the City's zoning map, discuss how the Project would use or convert Open Space, discuss the Project in relation to the City's Zoning Ordinance for Open Space, and discuss how the City and Project Applicant are proposing to compensate for loss of public Open Space.

2) Mitigation Area. The City/Project Applicant is proposing to provide 76.83 acres of the Project site as open space. The DEIR should discuss what impacts would be offset through those 76.83 acres. In addition, the DEIR should discuss if the City/Project Applicant is proposing to provide 76.83 acres as open space that may already be zoned and conserved as open space. Furthermore, the Project Applicant is proposing 8.26 acres of Mitigation Area. The DEIR should discuss what impacts these 8.26 acres would mitigate and why providing those 8.26 acres would be adequate to ensure no net loss of biological resources in the City. The DEIR should discuss why those 4.95 acres selected for coastal sage scrub restoration would be suitable to support coastal sage scrub (i.e., existing species composition, soils, aspect, and slope). The DEIR should discuss whether restoration would cause one or more significant effects (e.g., impact in-situ rare plants) in addition to those effects that would be caused by the Project (CEQA Guidelines, § 15126.4).

   The DEIR should discuss the quality of 2.01 acres of coastal sage scrub, 1.19 acres of walnut, and 0.11 acres of many-stemmed dudleya to be preserved. The DEIR should compare the impact area to the preservation areas (i.e., species abundance, richness, density, cover, composition) and discuss why the preservation areas would be appropriate mitigation.

   Lastly, the DEIR should discuss what mechanism(s) the City/Project Applicant is proposing to protect 76.83 acres in perpetuity. Mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands[1]. An appropriate endowment should be provided for the long-term management of mitigation lands.

[1] Pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

3) Fire. The Project proposes a new residential development in a 'Very High' Fire Severity Zone (VHFSZ) (County of Los Angeles 2022). Development in a VHFSZ and wildland urban interface could increase fire risk, frequency, and intensity. Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires for several reasons (State of California DOJ 2022). First, introducing more people - via additional development - into a flammable landscape increases the likelihood of 1) a wildfire igniting due to the increased presence of people and 2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation. Second, building housing units in the wildland-urban interface puts more people in harm's way. The fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape (State of California DOJ 2022).

   The DEIR should discuss how the Project may impact biological resources, Open Space Area, and natural areas adjacent to the Project site as a result of introducing and intensifying land use in a VHFSZ. In addition, the DEIR should discuss how fuel modification may impact biological resources and provide maps showing potential fuel modification zones. Fuel modification may result in additional habitat loss and have perpetual impacts on biological resources. CDFW recommends reviewing our State Attorney General's Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act (State of California DOJ 2022).

   CDFW recommends the City require the Project Applicant to design the Project with features such as block walls or other alternatives to reduce wildfire risk and reduce the acreage of natural areas that would need to be removed for fuel modification. Block walls, for example, may reduce the extent and amount of vegetation and habitat that may need to be removed. Also, if the Project may require irrigation in fuel modification zones, CDFW recommends the City require the Project Applicant to provide an irrigation plan such that water drains back into the development and not onto any adjacent open space, natural areas, and conserved lands. The DEIR should discuss how the Project has been designed to avoid or minimize impacts on biological resources resulting from potential fire risk and fuel modification requirements.

4) Wildlife Movement. The Project site is located between two large landscape blocks: Chino Hills State Park and the Angeles National Forest. The Project site could serve as a steppingstone connecting Chino Hills State Park, Frank G. Bonelli Regional Park, and the Angeles National Forest. Accordingly, the DEIR should discuss the Project's impact on wildlife movement.

5) Open Space and Natural Areas. The Project proposes a 76.83-acre Open Space Area adjacent to the Development Area. The Project could encroach onto the Open Space Area during fuel modification if there is an insufficient setback from the Development Area to the Open Space Area. Encroachment onto open space/natural areas creates an abrupt transition between two different land uses. Encroachment onto open space/natural areas could affect environmental and biological conditions and increase the magnitude of edge effects such as spread of non-native plants and pests (e.g., Argentine ants), fuel modification, and nighttime lighting. Edge effects can result in habitat type conversion (e.g., native to more non-native species) and reduce plant and wildlife species richness (Mitrovich et al. 2009). CDFW recommends the City require the Project Applicant to design the Project with effective setbacks adjoining open space/natural areas. The DEIR discuss how the

chosen setback distance fully avoids encroachment onto open space/natural areas and does not reduce the acreage of the proposed Open Space Area.

6) Streams and Associated Natural Communities. According to the U.S. Fish and Wildlife Service's (USFWS) National Wetlands Mapper, there are two wetland features in the Project site (USFWS 2022). The proposed Project plan would develop over these two wetland features. In addition, the Project may impact ephemeral streams. Buildout of the Project may impact streams and associated natural communities as a result of cutting, grading, filling, blasting, and terracing hillsides. Streams could be channelized or diverted underground. Streams could become impaired as a result of increased sediment, pollution, or construction equipment spills or leaks during Project construction. Natural communities adjacent to streams could be removed or degraded through habitat modification (e.g., loss of water source, encroachment by the Project, edge effects leading to introduction of non-native plants).

   a) Stream Delineation and Impact Assessment. The DEIR should provide a stream delineation, which should also identify culverts, ditches, and storm channels that may transport water, sediment, pollutants, and discharge into any rivers, streams, and lakes[2]. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. In addition, the DEIR should disclose the total impacts (linear feet and/or acreage) including impacts resulting from fuel modification on any river, stream, or lake and associated natural communities.

   b) Avoidance and Setbacks. CDFW recommends the Project avoid impacts on streams and associated natural communities by avoiding or minimizing Project-related development adjacent to streams. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. CDFW recommends the City require the Project Applicant to modify the Project so that impacts on streams are avoided and/or minimized. The Project should be designed with effective setbacks adjoining streams and associated natural communities. The DEIR should discuss how the Project has been designed to avoid and/or minimize impacts so CDFW may assess potential impacts on biological resources.

   c) Mitigation. If avoidance is not feasible, the Project Applicant should fully compensate for impacts on streams and loss of associated natural communities. Higher mitigation should be provided to compensate for impacts on streams supporting rare, sensitive, or special status fish, wildlife, and natural communities. In addition, the DEIR should be conditioned to require the Project Applicant to submit a Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 et seq. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank

[2] "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

(including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW[3]. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2022a).

7) Coastal California Gnatcatcher (*Polioptila californica californica*). According to the California Natural Diversity Database (CNDDB), there is a coastal California gnatcatcher (gnatcatcher) an occurrence in the open space across from the Project site (CDFW 2022b). In addition, the Project site is less than 1.5 miles from critical habitat for the gnatcatcher (USFWS 2022). Finally, the Project site contains coastal scrub. Gnatcatchers are closely tied to coastal scrub vegetation for reproduction (USFWS 2010). During the non-breeding season, gnatcatchers may also occur in other nearby plant communities (USFWS 2010).

   a) Protection Status. Gnatcatcher is a California Species of Special Concern (SSC) and a species listed as threatened under the Endangered Species Act (ESA). CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). As an ESA-listed species, gnatcatcher is considered an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

   b) Surveys. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist perform protocol-level surveys for gnatcatcher in order to determine if gnatcatcher is present. The qualified biologist should conduct surveys according to the Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Guidelines (USFWS 1997). The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997).

   c) Disclosure and Mitigation. The DEIR should provide full disclosure of the presence of gnatcatcher and the Project's potential impact on gnatcatcher, and not deferred until a later time (i.e., preconstruction surveys). The DEIR should discuss noise impacts from the Project, especially during blasting to cut into the hillside (e.g., duration, maximum noise level, hourly average noise level). The DEIR should be conditioned to provide measures to avoid or mitigate impacts if avoidance is not feasible. If avoidance is not feasible, mitigation may include obtaining take authorization from USFWS. In addition, the Project Applicant should provide replacement habitat to ensure no net loss. The DEIR should discuss why mitigation measures proposed would be adequate to avoid or

[3] CDFW's issuance of a LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (lead agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

offset impacts to gnatcatcher and habitat.

8) Crotch bumble bee (*Bombus crotchii*). The Project site may support habitat for Crotch bumble bee, which includes grasslands and scrub. If Crotch bumble bee is present in the Project site, the Project could grade and/or develop habitat supporting Crotch bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. In addition, Project ground-disturbing activities and vegetation removal during construction and fuel modification activities may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

   a) Protection Status. The California Fish and Game Commission accepted a petition to list the Crotch bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch bumble bee is also listed as an invertebrate of conservation priority under the Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017).

   b) Surveys and Disclosure[4]. CDFW recommends the City require the Project Applicant to retain a qualified biologist familiar with the species to survey the Project site for Crotch bumble bee and habitat. Surveys for Crotch bumble bee should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). The DEIR should provide full disclosure of the presence of Crotch bumble bee and the Project's potential impact on Crotch bumble bee, and not deferred until a later time (i.e., preconstruction surveys).

   c) Mitigation. The DEIR should include measures to first avoid impacts on Crotch's bumble bee. If Crotch bumble bee is present, a qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no-disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If the Project cannot avoid impacts, the City should require the Project Applicant to consult CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, the City should require the Project Applicant to provide compensatory mitigation for removal or damage to any floral resource associated with Crotch bumble bee. Floral resources should be replaced as close to their original location as is feasible.

   d) CESA ITP. Appropriate take authorization from CDFW under CESA may include an ITP or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain

[4] Please note that lack of records in the CNDDB for Crotch bumble bee at the Project site does not mean that Crotch bumble bee is not present. Reporting data to the CNDDB is voluntary and it was only recently that entry of data became strongly recommended or required for candidate species like and Crotch bumble bee. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review.

an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.

9) Rare Plants. The Project is proposing to preserve many-stemmed dudleya on site, which suggests the Project site supports rare plants including, but potentially not limited to many-stemmed dudleya. According to Calflora, there is a record of intermediate mariposa lily (*Calochortus weedii* var. *intermedius*) on site (Calflora 2022). In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the entire Project site for rare plants in accordance with established protocol (see General Comment #3b). CDFW recommends the City require the Project Applicant to design the Project to fully avoid impacts on rare plants and habitat, especially those that are CESA and/or ESA-listed and has a California Rare Plant Rank of 1B. The DEIR should discuss and show how the Project has been designed to fully avoid impacts. If impacts cannot be avoided, the DEIR should fully disclose where impacts would occur and how many plants and acres of habitat would be impacted. The DEIR should be conditioned to provide compensatory mitigation for loss of individual rare plants as well as acres of habitat. The DEIR should discuss why mitigation measures proposed would be adequate to avoid or offset impacts to rare plants and habitat.

10) Sensitive Natural Communities. A qualified biologist should map all natural communities within the Project site as well as areas subject to off-site impacts such as edge effects in accordance with established protocol (see General Comment #3b and 3c). The qualified biologist should identify and map natural communities including, but not limited to California walnut groves (*Juglans californica* Alliance) and oak forest and woodland (*Quercus* genus Alliance). CDFW considers impacts to oak woodlands and Sensitive Natural Communities to be significant (see General Comment #3a). The DEIR should fully disclose where impacts would occur, how impacts would occur, and how many acres of natural communities would be impacted. The DEIR should be conditioned to provide compensatory mitigation for impacts on Sensitive Natural Communities. Due to local/regional rarity and significance, compensatory mitigation should be higher for impacts on Sensitive Natural Communities with a State Rarity Ranking of S1 or S2 and/or a Sensitive Natural Community with an additional ranking of 0.1 or 0.2. The DEIR should discuss how compensatory mitigation would be adequate to reduce the Project's impact on Sensitive Natural Communities to below a level of significance.

11) Nesting Birds. The Project proposes to develop open space and adjacent to open space that likely supports nesting birds. In addition, the Project is seeking a Major Oak Tree Permit from the City to remove existing oak trees on site. Oak woodlands have higher levels of biodiversity than any other terrestrial ecosystem in California. Over 330 species of birds,

mammals, reptiles, and amphibians depend on oak woodlands in California at some stage in their life cycle (CalPIF 2002). Large oak trees in oak woodland habitats are important for cover, nesting sites for cup nesting species and cavity nesting species, as well as caching sites for birds storing acorns (CalPIF 2002). Accordingly, the Project may impact nesting birds. Project activities occurring during the bird nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.

b) Avoidance. CDFW recommends that measures be taken to avoid impacts on nesting birds. CDFW recommends the DEIR include a measure whereby the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds or their eggs.

c) Minimizing Potential Impacts. If impacts on nesting birds cannot be avoided, CDFW recommends the DEIR include measures to minimize impacts on nesting birds. Prior to starting ground-disturbing activities and vegetation removal, CDFW recommends a qualified biologist conduct breeding bird surveys to identify nests occurring in the Project site and 100 feet from the Project site to the extent allowable and accessible. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no-disturbance buffer around active bird nests. For raptors, the no-disturbance buffer should be expanded to 500 feet and 0.5 mile for special-status species, if feasible. Project personnel, including all contractors working on site, should be instructed on nesting birds, sensitivity of the area, and adherence to the no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.

12) Loss of Bird Nesting Habitat. The DEIR should discuss the Project's impact on nesting habitat. Edge effects and impacts due to fuel modification should also be discussed. The DEIR should disclose the acreage of nesting habitat that could be impacted and lost as a result of the Project. CDFW recommends the Project avoid and minimize development and encroachment onto nesting habitat. The City should require the Project Applicant to provide compensatory mitigation for the loss of nesting habitat.

13) Los Angeles County Significant Ecological Areas (SEAs). The Project site is located within the East San Gabriel Valley Significant Ecological Area (SEA). Los Angeles County Significant Ecological Areas are officially designated areas within Los Angeles County identified as having irreplaceable biological resources (LACDRP 2019). These areas represent the wide-ranging biodiversity of Los Angeles County and contain some of Los Angeles County's most important biological resources. The DEIR should discuss the Project's impact on the East San Gabriel Valley SEA.

14) California 30×30. In October 2020, Governor Newsom signed the Nature Based Solutions Executive Order N-82-20, elevating the role of natural and working lands in the fight against climate change and advancing biodiversity conservation as an administration priority. As part of this Executive Order, California committed to the goal of conserving 30 percent of our lands and coastal waters by 2030 (30×30). For the Los Angeles Region, a pathway to support 30×30 is to conserve coastal sage scrub, shrublands and chapparal, oak woodlands, and grasslands (CNRA 2021). Natural lands provide habitat for plants and wildlife, connect large landscape blocks, and enable wildlife movement across the landscape. The Project would convert natural lands to development, contributing to continued loss of natural lands in the Los Angeles Region. Furthermore, the City has very few natural lands remaining, limited to Elephant Hill and south of West Mission Blvd (southwest end of the City). CDFW recommends the City require the Project Applicant to design the Project to reduce the Project's footprint to the maximum extent feasible in order to conserve natural lands. The DEIR should discuss how the Project has been designed to minimize direct and indirect impacts on natural lands (see General Comment #5).

General Comments

1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."

   a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency "shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures" (Pub. Resources Code, § 21081.6). The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

   b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s).

Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:

   a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage (CDFW 2022c);

   b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present;

   c) Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The Manual of California Vegetation (MCV), second edition, should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site;

   d) A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. CDFW's California Natural Diversity Database should be accessed to obtain current information on any previously reported sensitive species and habitat (CDFW 2022d). An assessment should include a minimum nine-quadrangle search of the CNDDB to determine a list of species potentially

present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see CNDDB Data Use Guidelines – Why do I need to do this? for additional information (CDFW 2011);

e) A lack of records in the CNDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];

f) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines for established survey protocol (CDFW 2022e). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and,

g) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.

4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to adversely affect biological resources with specific measures to offset such impacts. The DEIR should address the following:

a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;

b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted [CEQA Guidelines, § 15126.2(a)];

c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;

d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included; and

e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

5) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:

a) A complete discussion of the purpose and need for, and description of the proposed Project;

b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project." CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion; and,

c) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR "shall" include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent

ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.

6) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have a potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but is not limited to, the biological resources described in this letter.

   Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects [Pub. Resources Code, § 21083(b)]. The City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City "shall identify facts and analysis supporting the City's conclusion that the cumulative impact is less than significant" [CEQA Guidelines section § 15130(a)(2)].

   When using a threshold of significance, the DEIR should briefly explain how compliance with the threshold means that the Project's impacts are less than significant. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect [CEQA Guidelines, § 15064.7]. Compliance with the threshold does not relieve the City's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant [CEQA Guidelines, § 15064(b)(2)]. Alternatively, if the City concludes that the Project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through implementation of mitigation measures, the DEIR should briefly explain how the contribution has been rendered by the City to be less than cumulatively considerable. The City "shall identify facts and analysis supporting the City's conclusion that the contribution will be rendered less than cumulatively considerable" [CEQA Guidelines section, § 15130(a)(3)].

7) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and sensitive natural communities detected by completing and submitting CNDDB Field Survey Forms (CDFW 2022f). To submit information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022g). The City should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out.

8) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

9) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.

10) Wildlife Friendly Fencing. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). If the Project would include temporary and/or permanent fencing, prior to preparation of the DEIR, CDFW recommends the City require the Project Applicant to provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological resources and wildlife movement. The DEIR should discuss how fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends A Landowner's Guide to Wildlife Friendly Fences for information wildlife-friendly fences (MFWP 2012).

11) Use of Native Plants and Trees. CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2022). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds.

CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

12) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.

13) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The Wetlands Resources policy the Commission "…seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

    a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

    b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and

structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

Conclusion

We appreciate the opportunity to comment on the NOP for the Elephant Hill Project to assist the City in preparing the Project's environmental document and identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230.

Sincerely,

DocuSigned by:
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
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From: Greg Gubman
To: Jimenez, Alex
Subject: Elephant Hill Project
Date: Tuesday, November 8, 2022 4:12:33 PM
Attachments: image002.png

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Dear Alex,

Thank you for providing the City of Diamond Bar with a copy of the NOP for the Elephant Hill Project, and the opportunity to provide preliminary comments prior to the preparation of the DEIR. It does not appear that an Initial Study was prepared prior to releasing the NOP, so our comments are limited to the information provided in the NOP. Additional comments may be submitted after the publication of the DEIR.

Page 3 of the NOP discusses blasting that is contemplated to occur during construction. Because of the project's proximity to Diamond Bar residences (approximately 0.40 miles from Cambridge Hill condos at the intersection of Temple), we request that the DEIR describe the proposed blasting activity in further detail so that potential noise and vibration levels, and proposed best practices to be implemented, are sufficiently explained to address potential neighborhood concerns.

Best regards,

http://www.diamondbarca.gov/" style='position:absolute;margin-left:-.15pt;margin-top:.2pt;width:75.75pt;height:79.5pt;z-index:-251657216;visibility:visible;mso-wrap-style:square;mso-width-percent:0;mso-height-percent:0;mso-wrap-distance-left:9pt;mso-wrap-distance-top:0;mso-wrap-distance-right:9pt;mso-wrap-distance-bottom:0;mso-position-horizontal:absolute;mso-position-horizontal-relative:text;mso-position-

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EARTHJUSTICE
BECAUSE THE EARTH NEEDS A GOOD LAWYER

Via Electronic Mail

November 3, 2022

Alex Jimenez, Associate Planner
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Re: Earthjustice Comments on the Notice of Preparation of a Draft Environmental Impact Report for Elephant Hill Project

Earthjustice appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the Elephant Hill Project ("Project"), which contemplates development of 228 residential dwelling units and related amenities. Our initial comments focus on the importance of incorporating building electrification requirements into the Project. New construction that relies on burning gas for end uses such as cooking and space and water heating has significant greenhouse gas ("GHG"), energy, and health impacts under the California Environmental Quality Act ("CEQA"). All-electric buildings avoid these impacts. Moreover, all-electric buildings are typically less costly to construct due to avoided costs of gas infrastructure. With the California Public Utilities Commission ("CPUC") now ending subsidies for gas lines to new development, cost savings from all-electric construction will further increase. Accordingly, to comply with CEQA's obligation to adopt all feasible mitigation to reduce significant environmental impacts, the City must require an all-electric Project design that is not connected to the gas system.

I. Projects Connecting to the Gas System Have Significant GHG, Energy and Public Health Impacts.

A. The GHG Impacts of Projects Connecting to the Gas System Are Significant.

CEQA requires a DEIR to identify all the significant impacts of a proposed project, including impacts from the project's GHG emissions.[1] One option to determine the significance of the Project's GHG impacts is to apply a net-zero emissions threshold. In addition to being CEQA-compliant, a net-zero threshold is also consistent with the severity of the climate crisis and the recognition that any increase in GHG emissions exacerbates the cumulative impacts of climate change.

[1] CEQA Guidelines § 15126.2; Appendix F.

Another option is to apply the approach recently adopted by the Bay Area Quality Management District ("BAAQMD"). In determining the significance of project impacts, a lead agency "must ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes." *Cleveland National Forest Foundation v. San Diego Assn. of Gov'ts* (2017) 3 Cal.5th 497, 519. To stay in step with evolving scientific knowledge and state policy, the Bay Area Quality Management District ("BAAQMD") updated its previous CEQA GHG guidance for buildings this year to require all new projects to be built without natural gas and with no inefficient or wasteful energy usage in order to receive a finding of no significant impact.[2] BAAQMD's previous 1,100 MT GHG significance threshold was derived from Assembly Bill ("AB") 32's 2020 GHG reduction targets, but did not reflect later developments, such as Senate Bill ("SB") 32's requirement to reduce GHGs to 40 percent below 1990 levels by 2030, nor Executive Order B-55-18's requirement to achieve carbon neutrality by 2045.[3] As BAAQMD properly noted in its justifications for its updated GHG threshold, "[f]or California to successfully eliminate natural gas usage by 2045, it will need to focus available resources on retrofitting existing natural gas infrastructure. This task will become virtually impossible if we continue to build more natural gas infrastructure that will also need to be retrofit within the next few years."[4]

Even outside of BAAQMD's jurisdiction, the analysis supporting its zero-gas threshold provides substantial evidence to support an EIR' s finding of significance, particularly where, as here, GHGs are a globally dispersed pollutant. Indeed, state agencies have made similar findings regarding the incompatibility of gas in new construction with achievement of state climate requirements. As the California Energy Commission ("CEC") determined in its 2018 Integrated Energy Policy Report ("IEPR") Update:

> New construction projects, retrofitting existing buildings, and replacing appliances and other energy-consuming equipment essentially lock in energy system infrastructure for many years. As a result, each new opportunity for truly impactful investment in energy efficiency and fuel choice is precious. If the decisions made for new buildings result in new and continued fossil fuel use, it will be that much more difficult for California to meet its GHG emission reduction goals. Parties planning new construction have

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[2] *See* BAAQMD, *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*, at 11 (Apr. 2022) ("BAAQMD 2022 Update"), https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en.

[3] *See* BAAQMD, *CEQA Guidelines Update, Proposed Thresholds of Significance* at 10-22 (Dec 7, 2009), http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/proposed-thresholds-of-significance-dec-7-09.pdf?la=en (explaining methodology for previous project-level GHG threshold).

[4] Justification Report at 12.

> the opportunity instead to lock in a zero- or low-carbon emission outcome that will persist for decades.[5]

Consistent with the CEC's findings, the California Public Utilities Commission ("CPUC") recently adopted a Decision that would end gas line extension allowances, finding that "gas line subsidies encourage gas use by providing incentives to builders to install more gas appliances, perpetuating a continued reliance on the gas system both now and over the life of the appliance, and offsetting if not reversing any GHG emission reduction benefits secured through other decarbonization measures."[6] Accordingly, the CPUC found, subsidies for these new gas connections "work against today's climate goals and conflict[] with SB 32 and 1477."[7] This reflects the growing consensus that aggressive electrification will be needed to achieve the state's climate goals. Indeed, the 2022 Title 24 update already requires heat pumps as a baseline for either space or water heating in single-family homes, as well as a heat pump space heating standard for new muti-family homes and businesses.[8] In addition, any new mixed-fuel single-family homes must already be electric-ready so they can "easily convert from natural gas to electric in the future."[9]

Earthjustice strongly cautions against using approaches to determine the significance of Project GHG impacts that involve comparisons against "business-as-usual" emissions or a per capita emissions metric. In *Center for Biological Diversity v. Cal. Dept of Fish & Wildlife* (2015) 62 Cal.4th 204, the California Supreme Court held that determining the significance of project GHG impacts by comparing project emissions with emissions under a business-as-usual scenario derived from statewide emissions reduction goals under AB 32 lacked substantial evidence. For similar reasons, use of statewide per capita emissions metrics to determine the significance of project emissions has also been rejected for the purpose of determining project GHG impacts under CEQA. As the court held in *Golden Door Properties LLC*, "using a statewide criterion requires substantial evidence and reasoned explanation to close the analytical gap left by the assumption that the 'level of effort required in one [statewide] context . . . will suffice in the other, a specific land use development.'" *Golden Door Properties LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 904 (quoting *Center for Biological Diversity*, 62 Cal.4th at 227). While use of a statewide per capita metric to determine the significance of GHG impacts may be useful for a General Plan, which examines collective community emissions of

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[5] CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 18 (Jan. 2019)("2018 IEPR Update"), https://efiling.energy.ca.gov/getdocument.aspx?tn=226392

[6] D.22-09-026, Phase III Decision Eliminating Gas Line Extension Allowances, Ten-Year Refundable Payment Option, and Fifty Percent Discount Payment Option Under Gas Line Extension Rules, at 27 (Sep. 20, 2022), https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M496/K987/496987290.PDF.

[7] *Id*.

[8] *See* CEC, 2022 Building Energy Efficiency Standards Summary, at 9 (Aug. 2021), https://www.energy.ca.gov/sites/default/files/2021-08/CEC_2022_EnergyCodeUpdateSummary_ADA.pdf.

[9] *Id.*

existing and proposed new development, it is not appropriate for projects that only govern new development.

B. The Energy Impacts of Projects Connecting to the Gas System are Significant.

A key purpose of the evaluation of project energy impacts under CEQA is "decreasing reliance on fossil fuels, such as coal, natural gas and oil."[10] Addressing energy impacts of proposed projects requires more than mere compliance with Title 24 Building Energy Efficiency Standards.[11] Including gas hook-ups in new projects, and thereby perpetuating reliance on fossil fuels, is contrary to California's energy objectives and should be considered a significant impact under CEQA.

In addition to the lock-in effect discussed above and its perpetuation of reliance on fossil fuel infrastructure, gas appliances are also inherently wasteful because they are significantly less efficient than their electric alternatives. Heat pumps for space and water heating are substantially more efficient than their gas counterparts. Because heat pumps use electricity to move heat around rather than creating heat, their efficiency is far greater than 100 percent (energy services delivered are much greater than energy input). For example, gas water heaters advertised by Rheem, a major water heating manufacturer, have uniform efficiency factor ("UEF") of 0.58 – 0.83.[12] In contrast, Rheem's heat pump water heaters have UEFs between 3.7 and 4.0, making them roughly four to seven times more efficient than gas alternatives.[13] As recognized by the CEC, "[u]sing heat pumps for space and water heating, as well as other uses, is cost-effective in the long run simply because electrification technologies can be significantly more efficient than natural gas technologies."[14] Given the low inherent efficiencies of gas space and water heating as compared to heat pump options, homes that continue to rely on gas cannot be reasonably construed as "the wise and efficient use of energy" and therefore result in significant energy impacts under CEQA.

C. The Health/Air Quality Impacts of Projects Connecting to the Gas System are Significant.

CEQA also requires consideration of "health and safety problems" that may result from a project's emissions.[15] Indeed, Section III.(d) of Appendix G of the CEQA Guidelines

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[10] CEQA Guidelines, Appendix F, Sec. I.
[11] See California Clean Energy Committee v. City of Woodland (2014) 225 Cal.App.4th 173, 211.
[12] Rheem, *Gas Water Heaters*, https://www.rheem.com/products/residential/water-heating/tank/residential_gas/.
[13] Rheem, *Professional Prestige Series ProTerra Hybrid Electric Water Heater with LeakGuard, https://www.rheem.com/group/rheem-hybrid-electric-water-heater-professional-prestige-series-hybrid-electric-water-heater*.
[14] 2018 IEPR Update at 32.
[15] CEQA Guidelines § 15126.2; *see also Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 520 (requiring an EIR to not only discuss air quality impacts and human health impacts separately, but to draw a connection between the two segments of information, to "meet CEQA's requirements.").

specifically asks a lead agency to evaluate if the project would "[e]xpose sensitive receptors to substantial pollutant concentrations."[16] The health and safety hazards of gas-burning appliances in buildings are well-documented by the California Air Resources Board ("CARB"), the CEC, and numerous peer-reviewed academic studies. In a Board-adopted resolution, CARB determined that that "cooking emissions, especially from gas stoves, are associated with increased respiratory disease."[17] Children in homes with gas stoves are particularly at risk. A meta-analysis examining the association between gas stoves and childhood asthma found that "children in homes with gas stoves have a 42 percent increased risk of experiencing asthma symptoms (current asthma)" and "a 24 percent increased risk of ever being diagnosed with asthma by a doctor (lifetime asthma)."[18] Other health effects observed in children from exposure to nitrogen dioxide ("NO_x"), which is a byproduct of gas combustion, include cardiovascular effects, increased susceptibility to allergens and lung infections, irritated airways and other aggravated respiratory symptoms, and learning deficits.[19] As found repeatedly by peer-reviewed studies, combustion of gas in household appliances produces harmful indoor air pollution, including carbon monoxide, nitric oxide and nitrogen dioxide, formaldehyde, acetaldehyde, and ultrafine particles, often in excess of the levels set out by the California Ambient Air Quality Standards and the National Ambient Air Quality Standards.[20] CARB has therefore recognized "the conclusion of recent studies that 100 percent electrification of natural gas appliances in

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[16] CEQA Guidelines, Appendix G, Sec. III(d).

[17] CARB, *Combustion Pollutants & Indoor Air Quality*, https://perma.cc/J6YH-VVZH (as of March 30, 2022).

[18] Brady Seals & Andee Krasner, *Gas Stoves: Health and Air Quality Impacts and Solutions*, Rocky Mountain Institute, Physicians for Social Responsibility, and Sierra Club, at 13 (2020), https://rmi.org/insight/gas-stoves-pollution-health/.

[19] *Id.*

[20] *See, e.g.*, Jennifer M. Logue et al., *Pollutant Exposures from Natural Gas Cooking Burners: A Simulation-Based Assessment for Southern California*, 122 Env't Health Perspectives 43, 43–50 (2014), http://dx.doi.org/10.1289/ehp.1306673 (modeling exposure rates for gas stove pollutants and finding that "62%, 9%, and 53% of occupants are routinely exposed to NO_2, CO, and HCHO levels that exceed acute health-based standards and guidelines" and that "reducing pollutant exposures from [gas stoves] should be a public health priority."); John Manuel, *A Healthy Home Environment?*, 107 Env'tl. Health Perspectives 352, 352–57 (1999), https://doi.org/10.1289/ehp.99107a352 (finding that gas furnaces and other gas appliances can be sources of unsafe indoor carbon monoxide concentrations); Nasim A. Mullen et al., *Impact of Natural Gas Appliances on Pollutant Levels in California Homes*, Lawrence Berkeley Nat'l Lab'y (Dec. 2012), https://eta-publications.lbl.gov/sites/default/files/impact_of_natural_gas_appliances.pdf (finding that concentrations of NO_2, NO_x, and carbon monoxide were associates with use of gas appliances); Dr. Zhu et al., *Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California*, UCLA Fielding School of Pub. Health, (Apr. 2020), https://ucla.app.box.com/s/xyzt8jc1ixnetiv0269qe704wu0ihif7 (finding that gas combustion appliances are associated with higher concentrations of NO_2, NO_x, CO, fine particulate matter, and formaldehyde in indoor air, and discussing the health impacts of acute and chronic exposure to each pollutant).

California would result in significant health benefits."[21] Accordingly, projects that permit gas appliances such as stoves have significant air quality impacts under CEQA.

Gas appliances contribute to indoor air pollution even when they are not turned on. A recent study sampling the gas supply to home appliances also found additional harmful pollutants present, including the Hazardous Air Pollutants benzene and hexane in 95% and 98% of samples, respectively, among others.[22] These pollutants have serious health impacts, particularly given that residential appliances can last for upwards of ten years, and residents may be repeatedly exposed to their pollution multiple times daily. For example, in addition to being a known carcinogen, non-cancer long-term health effects of exposure to benzene include "harmful effects on the bone marrow," "excessive bleeding," and can compromise the immune system.[23] Similarly, "[c]hronic inhalation exposure to hexane is associated with sensorimotor polyneuropathy in humans, with numbness in the extremities, muscular weakness, blurred vision, headache, and fatigue," and animal studies have shown "pulmonary lesions" as well as damage to reproductive organs following chronic inhalation exposure.[24] These pollutants were present in the gas supplied to home appliances prior to combustion, and a 2022 study also found that most gas stoves leak supply gas "continuously" even while turned off.[25]

II. Building Electrification is Feasible and Effective Mitigation to Reduce Project GHG, Energy, and Health Impacts.

A lead agency may not lawfully approve a project where "there are feasible alternatives or feasible mitigation measures available which would substantially lessen [its] significant environmental effects."[26] Only when feasible mitigation measures have been exhausted may an agency find that overriding considerations exist that outweigh the significant environmental effects. [27] This mandate—to avoid, minimize and mitigate significant adverse effects where feasible—has been described as the "most important" provision of the law.[28]

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[21] CARB Resolution 20-32, *California Indoor Air Quality Program Update*, at 2 (Nov. 19, 2020), https://ww3.arb.ca.gov/board/res/2020/res20-32.pdf.
[22] Drew R. Michanowicz et al., *Home is Where the Pipeline Ends: Characterization of Volatile Organic Compounds Present in Natural Gas at the Point of the Residential End User*, Environ. Sci. Technol. 2022, 56, 10258–10268 at 10262 (Jun. 2022), https://pubs.acs.org/doi/pdf/10.1021/acs.est.1c08298.
[23] *See* Centers for Disease Control and Prevention, *Facts about Benzene*, https://emergency.cdc.gov/agent/benzene/basics/facts.asp#:~:text=(Long%2Dterm%20exposure%20means%20exposure,increasing%20the%20chance%20for%20infection.
[24] U.S. Env. Prot. Agency, *Hexane*, https://www.epa.gov/sites/default/files/2016-09/documents/hexane.pdf.
[25] Eric D. Lebel, et al., Methane and NO_x Emissions from Natural Gas Stoves, Cooktops, and Ovens in Residential Homes, Environ. Sci. Technol. 2022, 56, 4, at 2534 (Jan. 27, 2022), https://doi.org/10.1021/acs.est.1c04707.
[26] Pub. Res. Code § 21002.
[27] *Id.* § 21081; *see also* CEQA Guidelines 15091(a).
[28] *Sierra Club v. Gilroy City Council*, 222 Cal. App. 3d 30, 41 (1990).

Eliminating natural gas use in new buildings is feasible mitigation that will substantially lessen the Project's GHG, energy, and air quality/health impacts. For example, in *Residential Building Electrification in California*, Energy and Environmental Economics ("E3") determined that "electrification is found to reduce total greenhouse gas emissions in single family homes by approximately 30 to 60 percent in 2020, relative to a natural gas-fueled home."[29] Moreover, "[a]s the carbon intensity of the grid decreases over time, these savings are estimated to increase to approximately 80 to 90 percent by 2050, including the impacts of upstream methane leakage and refrigerant gas leakage from air conditioners and heat pumps."[30] As shown in the graph below, the GHG savings from heat pumps are substantial today and will only increase as California continues to decarbonize its grid as required under SB 100.

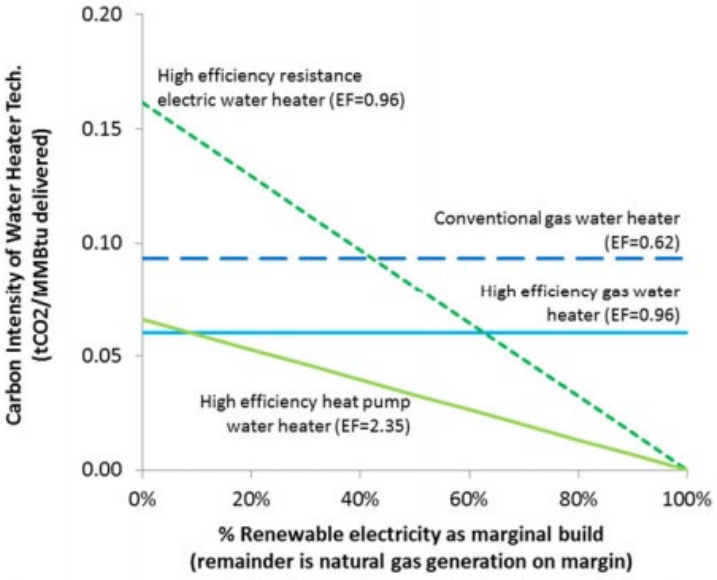

Figure 3. Carbon intensity of water heater technologies, as a function of renewable electricity percentage.
Source: Author's calculations [31]

In contrast, because gas appliance will generate the same level of pollution over their lifetime, their emissions relative to electric alternatives will increase over time and increasingly interfere with achievement of California's climate objectives.

Numerous local jurisdictions have also adopted all-electric building policies for a variety of building types, demonstrating the feasibility of all-electric new construction. For example, San Francisco adopted an ordinance effective June 2021 prohibiting gas in new construction for

[29] E3, *Residential Building Electrification in California*, at iv (Apr. 2019), https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf.
[30] *Id.*
[31] Amber Mahone et al., *What If Efficiency Goals Were Carbon Goals*, at 9-7, American Council for an Energy-Efficient Economy (2016), https://aceee.org/files/proceedings/2016/data/papers/9_284.pdf.

all building types, with narrow exceptions.[32] Several other California municipalities have adopted similar legislation, including Berkeley, San Luis Obispo, and Half Moon Bay, and the City of Los Angeles is close behind.[33]

All-electric new construction is also a feasible mitigation measure to avoid the health impacts of gas, particularly the indoor air pollution impacts in residential buildings. For example, Marin Clean Energy developed its Low-Income Families and Tenants ("LIFT") Pilot Program to reduce energy burdens and improve quality of life for residents in income-qualified multifamily properties through energy efficiency, electrification, and health, safety, and comfort upgrades.[34] An evaluation of the LIFT Pilot found that on a per dwelling basis, participants who received heat pump replacements for gas or propane heating equipment saw reductions of greenhouse gases by over one ton of CO_2 per dwelling, NO_x reductions of close to 1 pound, and carbon monoxide reductions of more than 2 pounds.[35] Notably, because the national health and safety limit for carbon monoxide is 1 pound annually, residents had been living with unsafe carbon monoxide levels. Heat pump installation virtually eliminated this pollution source.[36] In addition to direct health benefits from reduced pollution, tenants reported increased comfort, with "indoor air temperature being just right even on very hot days," better air quality and reduced noise.[37] Electrifying gas end uses in buildings demonstrably mitigates not only building emissions but their associated health and safety impacts.

All-electric building design is also economically feasible under CEQA. When considering economic feasibility of alternatives under CEQA, courts consider "whether the marginal costs of the alternative as compared to the cost of the proposed project are so great that

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[32] San Francisco Building Code § 106A.1.17.1, https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_building/0-0-0-92027.

[33] *See, e.g.,* San Luis Obispo Ordinance No. 1717, http://opengov.slocity.org/WebLink/DocView.aspx?id=162695&dbid=0&repo=CityClerk, (prohibiting natural gas in new construction effective January 1, 2023, with narrow commercial availability and viability exceptions); Los Angeles City Council Motion, https://drive.google.com/file/d/1KLrBqAT2sj2sQJjD2NKGTME8WX5ZEn_9/view, (directing Los Angeles city agencies to develop a plan within six months that will "require all new residential and commercial buildings in Los Angeles to be built so that they will achieve zero-carbon emissions," to be effective January 1, 2023); Half Moon Bay Municipal Code § 14.06.030, https://www.codepublishing.com/CA/HalfMoonBay/#!/HalfMoonBay14/HalfMoonBay1406.html#14.06.030, (requiring all-electric construction for all new buildings, effective March 17, 2022). *See also* Sierra Club, *California's Cities Lead the Way on Pollution-Free Homes and Buildings*, https://www.sierraclub.org/articles/2021/07/californias-cities-lead-way-pollution-free-homes-and-buildings, (running list of California municipalities with gas-free buildings commitments and electrification building codes).

[34] DNV, MCE Low-Income Families and Tenants Pilot Program Evaluation at 1 (Aug 5. 2021) https://www.mcecleanenergy.org/wp-content/uploads/2021/07/MCE-Low-Income-Families-and-Tenants-Pilot-Program-Evaluation.pdf.

[35] *Id.* at 28.

[36] *Id.* at 29.

[37] *Id.* at 4, 35 (Aug 5. 2021) https://www.mcecleanenergy.org/wp-content/uploads/2021/07/MCE-Low-Income-Families-and-Tenants-Pilot-Program-Evaluation.pdf.

a reasonably prudent [person] would not proceed with the [altered project]."[38] That is, even if an alternative is *more* expensive than the original plan, "[t]he fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible."[39]

All-electric building design for new construction is indisputably financially feasible because it is now cheaper than mixed-fuel construction.[40] The CEC has found that capital costs for all-electric single family homes are "several thousand dollars less expensive than mixed-fuel homes."[41] For mid-rise multi-family homes, "[a]n average reduction of $3,300 per unit was found" by avoiding the costs of gas piping, venting, and trenching to connect to the gas system.[42] Indeed, as noted in Redwood Energy's A Zero Emissions All-Electric Multifamily Construction Guide, "[i]n the downtown of a city like Los Angeles, just trenching and piping gas to an apartment building in a busy street can cost $140,000."[43] Moreover, there are additional embedded savings from faster build-out (related to not having to install gas plumbing and piping inside of the home), and by installing one heat pump instead of a separate furnace and air conditioning. As the CPUC is eliminating gas line extension allowances for all customer classes starting in July 2023, the infrastructure buildout to support gas hookups will raise costs of projects connecting to the gas system even more than before, when line extensions were subsidized.[44] Additionally, as discussed above, the 2022 update to the Title 24 Building Code already requires heat pumps as a baseline for space or water heating, and requires panel upgrades and other space modifications in any new mixed-fuel homes to ensure they are electric-ready when they inevitably convert to all-electric.[45] As a result, mixed-fuel design in new construction

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[38] *SPRAWLDEF v. San Francisco Bay Conservation and Development Comm'n* (2014) 226 Cal. App. 4th 905, 918 (citing *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th 587, 600).
[39] *Id.* (citing *Center for Biological Diversity v. Cty. of San Bernardino* (2010) 185 Cal. App. 4th 866, 833).
[40] *See* CARB, Draft 2022 Scoping Plan, Appendix F: Building Decarbonization, at 14–15 (May 2022) (finding that "all-electric new construction is one of the most cost-effective near-term applications for building decarbonization efforts," and that all-electric new construction is crucial in particular because "it is less costly to build, avoids new pipeline costs to ratepayers, and avoids expensive retrofits later."), https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp-appendix-f-building-decarbonization.pdf.
[41] *See* CEC, Final 2021 Integrated Energy Policy Report Volume I: Building Decarbonization at 89 (Feb. 2022), https://efiling.energy.ca.gov/GetDocument.aspx?tn=241599, (citing E3, *Residential Building Electrification in California: Consumer Economics, Greenhouse Gases and Grid Impacts*, https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf.).
[42] CEC, *California Building Decarbonization Assessment*, at 83 (Aug. 13, 2021) ("CEC Building Decarbonization Assessment"), https://efiling.energy.ca.gov/GetDocument.aspx?tn=239311.
[43] Redwood Energy, A Zero Emissions All-Electric Multifamily Construction Guide at 2 (2019), https://fossilfreebuildings.org/ElectricMFGuide.pdf
[44] R. 19-01-011, Phase III Decision Eliminating Gas Line Extension Allowances, Ten-Year Refundable Payment Option, and Fifty Percent Discount Payment Option Under Gas Line Extension Rules, (Aug. 8, 2022), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M496/K415/496415627.PDF.
[45] *See* CEC, 2022 Building Energy Efficiency Standards Summary, at 9 (Aug. 2021), https://www.energy.ca.gov/sites/default/files/2021-08/CEC_2022_EnergyCodeUpdateSummary_ADA.pdf.

is likely *less* financially feasible than all-electric design, in addition to imposing significant GHG, energy, and health impacts.

Now is the critical window for the City to jump-start this transition away from gas to clean energy buildings. CEQA is an essential vehicle to take all feasible action to reduce GHGs and limit further expansion of gas infrastructure. To comply with CEQA, we urge incorporation of all-electric building design into the Project.

Please contact Rebecca Barker at rbarker@earthjustice.org, and Matt Vespa at mvespa@earthjustice.org with any questions or concerns, and please include each of us in future notifications on the Project's development.

Sincerely,

Matt Vespa
Senior Attorney
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
Email: mvespa@earthjustice.org
Telephone: (415) 217-2123

Rebecca Barker
Associate Attorney
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
Email: rbarker@earthjustice.org
Telephone: (415) 217-2056

From: Eric Chen
To: Jimenez, Alex
Subject: Elephant Hill Project (Concerns and Questions)
Date: Friday, November 18, 2022 3:21:39 PM

Hello Mr. Jimenez,

I live in Sorrento Ridge, the townhome community right next to the proposed project. Our community has only ONE entrance/exit. We rely on the tiny Sorrento Drive as our only way in or out. So naturally, we're very concerned with a new 200+ home community that relies on the tiny drive as their only outlet.

Eaves apartment community has 500+ homes, and Sorrento Ridge has about 40 homes. Adding the new 228-home Elephant Hill project would mean more than 750 homes will use the tiny Sorrento Drive.

Unlike Eaves apartments with another entrance/exit, we at Sorrento Ridge have only ONE outlet to the main street. So if the new project doesn't have another outlet, ongoing traffic gridlock can be a common occurrence.

If there is an emergency, with Sorrento Drive blocked with additional traffic, those of us at Sorrento Ridge community will be trapped.

There must be more than one entrance/exit for the Elephant Hill project to access the main roads. It cannot rely solely on Sorrento Drive as its only entrance/exit.

1. There are a combined 750+ homes (across 3 communities) that will be using Sorrento Drive.

2. Sorrento Drive is the ONLY outlet for us at Sorrento Ridge community, we would be trapped if there's gridlock from the additional traffic generated by a new large community.

3. There must be more than one entrance/exit for the Elephant Hill project to access the main roads. It cannot rely solely on Sorrento Drive as its only entrance/exit.

I also have a few questions:

1. Is the Elephant Hill project a gated community?

2. How will the large land-forming vehicles access the site during construction?

3. Are there plans to minimize dust and noise during land-forming projects like this?

4. Since Sorrento Drive is our only way out, any road closure (even partial closure) during construction will have detrimental effects on the homes in Sorrento Ridge. Are there plans to mitigate this?

5. With additional homes in the area, will this mean we will finally get a fiber internet connection to our area? At the moment, our community was passed over.

I'm looking forward to hearing back from you. Thank you!

Blessings,

Eric Chen
626-641-0659
324 Carrione Ct, Pomona, CA 91766 (Sorrento Ridge)

From: Leonard Martinez
To: Jimenez, Alex
Subject: Destruction of ELEPHANT HILL
Date: Wednesday, November 30, 2022 5:10:37 PM

Dear City Planner,

I do hope you're getting a hefty kickback for the destruction of Elephant Hill. If so, at least one person from Pomona will benefit from its demise. The rest of us, however, will be the losers, having lost the natural open space that spans from the hill westward to the 57 Freeway. It's not much, but it's all we have.

I have often seen on that freeway signs that read, "Save water, save California." It's a good laugh. As city planners such as yourself continue to hand over open vistas to greedy land developers, the freeway warning means nothing. We live in a semi-arid environment in which water is so scarce we have to steal it from the north in order to meet increasing demand. Do you think the new occupants of Elephant Hill won't be washing their clothes, taking showers, or flushing toilets?

But let's ravage the hillside and increase congestion, worsen gridlock, and raise residents' stress level. Doubtless you will have the hill across from Sorrento Ridge developed as well. Pack them in. Develop every square inch of natural open space until we see nothing but condos, apartments, streets, sidewalks, and houses.

Open space is essential to the psychological well-being of urban and suburban inhabitants. This should be the first tenet taught in City Planning 101. People need open space, and not only in the form of green belts and parks. No improvement can be made on untouched natural space.

The decision to be conservationist about open space strikes me as one of the least technical and most preference-based decisions that neighborhoods and local governments can make. Throughout history cities have regarded their wild land as an amenity, although often they have relented when greedy land developers pressured them to "develop" the land.

However, when finally development is all you have, the scarcity value of preservation and conservation of natural open space begins to be appreciated. But by then it's too late.

Natural open space provides habitat for wildflowers, songbirds, and the world's other flora and fauna on which we depend in countless ways. Reptiles, rabbits, birds, including the endangered red-tailed hawks that circle above us, will be bereft of the land that sustains them. They will disappear.

The development of Elephant Hill is an obscenity waiting to happen. I stand with the residents of Sorrento Ridge and the apartment complex to the north in saying, Don't do it!

Sincerely,
Leonard Martinez
368 Via Valdez

Phillips Ranch, CA 91766
(909) 837-7734

LOS ANGELES COUNTY
SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

November 18, 2022

Ref. DOC 6728332

Mr. Alex Jimenez, Associate Planner
Planning Division
City of Pomona
505 S. Garey Ave.
Pomona, CA 91766

Dear Mr. Jimenez:

NOP Response to Elephant Hill Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report for the subject project on October 17, 2022. We offer the following comments:

1. The Districts' Pomona Water Reclamation Plant (WRP) is located within one mile of the proposed project. Pomona WRP currently provides primary, secondary, and tertiary treatment with a design capacity of 15 million gallons per day (mgd) and processes an average recycled flow of 5.5 mgd. It provides an essential public service for approximately 130,000 people and produces recycled water used at over 190 sites. As described in page 3 of the NOP, the proposed project construction involves blasting the hillside during grading from January 2024 to September 2024, at a frequency of no more than one blast per day and a couple per week. Due to the proximity of the project site to Pomona WRP, the blasting may impact the equipment and operation of the WRP. Therefore, please submit a copy of the project construction and blasting schedule to the undersigned as soon as it becomes available.

2. The project area is outside the jurisdictional boundaries of the Districts and will require annexation into District No. 21 before sewerage service can be provided to the proposed development. For a copy of the Districts' Annexation Information and Processing Fee sheets, go to www.lacsd.org, under Services, then Wastewater Program and Permits and select Annexation Program. For more specific information regarding the annexation procedure and fees, please contact Ms. Donna Curry at (562) 908-4288, extension 2708.

3. Due to the project's location, the flow originating from the proposed project would have to be transported to the Districts' trunk sewer by local sewer(s) that are not maintained by the Districts. If no local sewer lines currently exist, it is the responsibility of the developer to convey any wastewater generated by the project to the nearest local sewer and/or Districts' trunk sewer. The nearest Districts' trunk sewer is the District 21 Outfall Trunk Sewer, located in Humane Way, north of West Mission Boulevard. The Districts' 27-inch diameter trunk sewer has a capacity of 39.3 million gallons per day (mgd) and conveyed a peak flow of 3.2 mgd when last measured in 2014.

4. The wastewater generated by the proposed project will be treated at the Pomona WRP.

5. The expected average wastewater flow from the project, described in the NOP as 68 single family homes, 94 duplexes, 66 townhomes, and a 1.02-acre recreation center, is 86,537 gallons per day. For a copy of the District's average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater

Program and Permits and select Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link.

6. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

7. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743, or mandyhuffman@lacsd.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

cc: D. Curry
A. Howard
A. Schmidt

From:	Liao, William
To:	Jimenez, Alex
Cc:	SCG SE Region Redlands Utility Request; Pene, Nicole L.; Rodriguez, Adalberto G; Wood, Jessica P
Subject:	TRACTMAP 15999-2021: Elephant Hill Project
Date:	Tuesday, December 20, 2022 9:32:52 AM
Attachments:	image001.png image002.png 20221219152757.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Hi Alex.

My apologies for the late response regarding TRACTMAP 15999-2021: Elephant Hill Project. I received the paper copies recently and just got to them yesterday.

I have some concerns regarding the timeline. We do not appear to have any facilities in the area. Do you know if the builders will need gas? I would like to make sure we have adequate time to plan, obtain necessary permits, and install if the builders need us. If that is the case, please have the builders contact our New Business section to begin the application process as soon as possible, at https://www.socalgas.com/for-your-business/builder-services.

Also, please make sure to contact USA / Dig Alert prior to any excavations/blasting, so that our District Personnel can get out to locate and mark.

Please let me know if you have any questions.

Will Liao
Region Planning Supervisor
Redlands HQ / Southeast Region
Desk: 213-244-4543
Mobile: 562-889-1981

Notice of Preparation
Elephant Hill

PROJECT DESCRIPTION:

Development Area

The proposed Development Area associated with the proposed Elephant Hill project (project) would be focused within the 43.77-acre southwestern portion of the site (Development Area) that is designated as Urban Neighborhood (Figure 5, Conceptual Site Plan). The proposed Development Area would include development of 228 residential dwelling units, a recreational center, developed open space (including landscaped slopes and fuel modification areas), onsite roads, and utility infrastructure. A land use summary of the Development Area is provided in Table 1, Land Use Summary, below. The various components of the development area are also outlined below.

Residential Development

The proposed residential development would include four separate areas (Areas 1, 2, 3, and 4) for a total of 15.32 acres (see Figure 5). The residential component would include 228 residential dwelling units, with 68 single-family units and 160 multifamily units. The proposed multifamily residential units would be composed of 94 two-story duplexes and 66 three-story townhomes. The overall gross density would be 4.39 dwelling units per acre (see Figure 6, Development Area Site Plan).


Leebe Ave
Mt Vernon Ave
Pomona Blvd
Roselawn St
Union Pacific RR
Atlantic St
Pacific St
Orange Fwy
Pomona Blvd
Union Pacific RR
Pomona Water Reclamation Plant
S Humane Way
Spadra Cemetery
W Mission Blvd
Southview Pl
Orange Fwy
Orange Fwy
Union Pacific RR
Via Moreno
Spadra
Quinta Inn & Suites-Pomona
Appian Way
E Portofino
W Mission Blvd
Orange Fwy

From:	C Mullen
To:	Jimenez, Alex
Cc:	ny_nyce@icloud.com; ny_nyce@icloud.com; C Mullen
Subject:	Elephant Hill Project - 2889 W. Mission Blvd., Pomona, CA - EIR Scope
Date:	Thursday, November 17, 2022 6:15:48 PM

To: Alex Jimenez, Associate Planner, Planning Division, City of Pomona

Mr. Jimenez:

The Sorrento Ridge community will be directly and critically affected if the Elephant Hill project is approved. As President and Vice President of the Sorrento Ridge Homeowners Association, we are writing to express our concerns and questions.

- The Notice of Preparation (NOP) indicates that the development plan includes 666 parking spaces, 228 residential dwelling units (160 of these being multi-family units), and event space. This will undoubtedly cause an extreme increase in traffic at Temple and Mission and on Sorrento Drive, along with increased congestion, toxic air pollution, and noise; all of these will have an adverse effect on the health and safety of Sorrento Ridge residents and nearby communities.

- There is already extreme congestion at Temple and Mission during peak commuting hours - commuters often wait for the light to change three times
before getting through. If this new development is approved, Sorrento Ridge and current neighboring residents, as well as residents in the new community will likely face extreme waits getting to and from their homes during peak commuting hours.

- The planned blasting and grading of the hill seems particularly dangerous to the safety of Sorrento Ridge residents who are very close to the hill, land that we understand to be in a liquefaction zone, land that would be exceptionally unstable in the event of an earthquake.

- Elephant Hill is currently home to a variety of wildlife that will be disrupted if the new development is approved. This will not only damage the ecosystem but will also cause potential danger to Sorrento Ridge residents and nearby communities. Snakes, opossum, squirrels, rats, mice and other dangerous animals are likely to find their way into our communities if the hill is disrupted.

- The planned development with "94 two-story duplexes and 66 three-story town homes" as well as retaining walls "22 and 25 feet in height" will destroy one of the last beautiful open spaces in this area. It will also ruin the esthetics for the Sorrento Ridge community where many homeowners have paid taxes since 1997.

- Sorrento Ridge is a well-maintained and desirable community where units sell quickly when they are offered. This new development will likely negatively impact the value and desirability of homes in Sorrento Ridge and nearby communities. The area will become much more congested and much less beautiful.

- The City's planned infrastructure updates to accommodate this proposed construction project will be disruptive to existing communities and may impact local taxes and other costs to the community.

Questions:

- How were the communities local to this planned new development notified by the City? The only notification we are aware of is the certified letter delivered to Sorrento Ridge homeowners in late October, providing less than two weeks notice of an in-person Scoping Meeting for the project to be held October 27, 2022.

- Will the scope of the planned EIR address all of our concerns?

- What are the specific funding sources for this proposed development?

- As Elephant Hill is considered a liquefaction zone, one of the reasons why further development of this area was halted appropriately 10 years ago, what geography studies will be completed to mitigate safety concerns prior to any development? Sorrento Ridge requests a copy of the completed report in advance.

- Sorrento Ridge neighbors a very large rental community consisting of over 500 units. As there are ongoing concerns regarding density, what density studies will the City of Pomona/developer complete? Sorrento Ridge requests a copy of this report in advance.

- Will we have additional opportunities to participate in planning or other meetings pertaining to the approval or disapproval of the planned development? If yes, how will we be notified of these opportunities? We request a specific schedule of planned community meetings and public hearings so that our community members may participate in this process. Also, we request the proposed timeline for the actual development/construction process.

- If this planned development is approved, how does the City and/or the builder plan to protect Sorrento Ridge and neighboring communities from disrupted wildlife and rodents and increased noise and air pollution?

- If this planned development is approved, what does the City and/or builder plan to do to protect Sorrento Ridge from impact to the land Sorrento Ridge is built on, so close to the land that will be blasted and graded?

- Within the City organization, who will have a direct voice in approving or disapproving this planned development?

- How can we stay informed of the status of decisions pertaining to this planned development?

We look forward to your reply.

Sincerely,

Charlene Mullen
President, Sorrento Ridge Homeowners Association

Arlene Black
Vice President, Sorrento Ridge Homeowners Association

South Coast
Air Quality Management District
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SENT VIA E-MAIL:
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November 18, 2022

Notice of Preparation of an Environmental Impact Report for the Elephant Hill Project

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send a copy of the EIR upon its completion and public release directly to South Coast AQMD as copies of the EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website[1] as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod[2] land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds[3] and localized significance thresholds (LSTs)[4] to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of

[1] South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook.
[2] CalEEMod is available free of charge at: www.caleemod.com.
[3] South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.
[4] South Coast AQMD's guidance for performing a localized air quality analysis can be found at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds.

heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA ***operational*** thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment[5].

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants and include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. The Proposed Project will include, among others, 228 residential dwelling units and is located in close proximity to State Route 57 and Union Pacific railine, and to facilitate the purpose of an EIR as an informational document, it is recommended that the Lead Agency perform a mobile source health risk assessment[5] to disclose the potential health risks[6].

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*[7] is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory[8].

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook[1], South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan[9], and Southern California Association of

[5] South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis.
[6] *Ibid*.
[7] CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: http://www.arb.ca.gov/ch/handbook.pdf.
[8] CARB's technical advisory can be found at: https://www.arb.ca.gov/ch/landuse.htm.
[9] South Coast AQMD's 2016 Air Quality Management Plan can be found at: http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf (starting on page 86).

Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy[10].

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Health Risk Reduction Strategies

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that South Coast AQMD conducted to investigate filters[11], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the EIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the EIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swang1@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

[10] Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

[11] This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by South Coast AQMD: https://onlinelibrary.wiley.com/doi/10.1111/ina.12013.

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