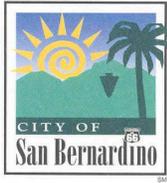


SECTION 13.0
COMMENTS AND RESPONSES



13.0 COMMENTS AND RESPONSES

13.1 CEQA REQUIREMENTS

Before approving a project, the *California Environmental Quality Act (CEQA)* requires the Lead Agency to prepare and certify a Final Environmental Impact Report (EIR).

In accordance with *CEQA Guidelines* Sections 15120 through 15132 and Section 15161, the City of San Bernardino Redevelopment Agency has prepared a Program EIR for the San Bernardino Merged Area A Merger and Amendments (SCH #2009111089). The Response to Comments section, combined with the Draft EIR and Mitigation Monitoring Program, comprise the Final EIR.

The following is an excerpt from the *CEQA Guidelines*, Section 15132, Contents of Final Environmental Impact Report:

The Final EIR shall consist of:

- (a) The Draft EIR or a version of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

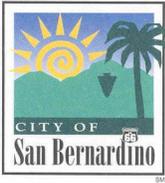
This Comments and Responses section includes all of the above-required components and shall be attached to the Final EIR. As noted above, the Final EIR will be a revised document that incorporates all of the changes made to the Draft EIR and the Revised Draft EIR following the 45-day public review period.

13.2 PUBLIC REVIEW PROCESS – DRAFT EIR

The Draft EIR was circulated for review and comment to the public, agencies, and organizations. The Draft EIR was also circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research. A notice of availability was placed in the *San Bernardino County Sun Newspaper*, on June 2, 2010. The 45-day public review period ran from June 2, 2010 to July 16, 2010. Comments received in writing during the 45-day public review period from the public and local and State agencies on the Draft EIR have been incorporated into this section.

13.3 FINAL EIR

The Final EIR allows the public and Lead Agency an opportunity to review revisions to the Draft EIR, the responses to comments, and other components of the EIR, such as the Mitigation



Monitoring Program, prior to approval of the Project. The Final EIR serves as the environmental document to support a decision on the proposed Project.

After completing the Final EIR, and before approving the Project, the Lead Agency must make the following three certifications as required by *CEQA Guidelines* Section 15090:

That the Final EIR has been completed in compliance with CEQA;

That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the Project; and

That the Final EIR reflects the Lead Agency’s independent judgment and analysis.

Additionally, pursuant to *CEQA Guidelines* Section 15093(b), when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the Lead Agency must submit in writing its reasons for supporting the approved action. This Statement of Overriding Considerations is supported by substantial information in the record, which includes the Final EIR. Since the proposed Project would result in significant, unavoidable impacts as to one category of review, the Lead Agency would be required to adopt a Statement of Overriding Considerations if it approves the proposed Project.

These certifications, the Findings of Fact, and the Statement of Overriding Considerations are included in a separate Findings document. Both the Final EIR and the Findings will be submitted to the Lead Agency for consideration of the proposed Project.

13.4 ORGANIZATION OF COMMENTS AND RESPONSES

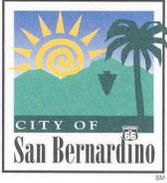
This section is organized in the following manner:

- Written Comment Letters and Responses
- Errata for Final EIR

13.5 WRITTEN COMMENT LETTERS AND RESPONSES

All written correspondence from those agencies or individuals commenting on the Draft EIR is reproduced on the following pages. The individual comments on each letter have been consecutively numbered for ease of reference. Following each comment letter are responses to each numbered comment. A response is provided for each comment raising substantive environmental issues. Added or modified text is underlined (example), while deleted text will have a strike out (~~example~~) through the text, and is included in a box, as the example below shows.

~~“Text from EIR”~~ Text from EIR



COMMENT LETTERS

A total of four written comment letters were received during the 45-day public review period.

- A. Andrew Machen, Planning Commissioner, dated June 15, 2010.
- B. City of San Bernardino Municipal Water Department, dated June 16, 2010.
- C. Omnitrans, dated June 30, 2010.
- D. Department of Public Works, County of San Bernardino, dated July 12, 2010.
- E. State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, dated July 19, 2010.

COMMENT LETTER A

MEMORANDUM

DATE: June 15, 2010

FROM: Andrew Machen, P.E.
Planning Commissioner, First Ward
174 E. 3rd Street
San Bernardino, CA 92410
909-379-5744
Andy.Machen@dot.ca.gov

TO: Jeff Smith, Senior Urban Planner
City of San Bernardino
201 North "E" Street, Suite 301
San Bernardino, CA 92418

SUBJECT: Comments on Draft EIR for San Bernardino Merged Area A,
June 2010, RBF

Executive Summary, Page 1-16, Carbon Monoxide Hotspots

Impact

"Implementation of the proposed project could facilitate development that could **not** result in an overall increase in carbon monoxide hotspot emissions within the City."

A1

Question: Can this determination be made in the absence of information on specific future development within Merged Area A?

Executive Summary, Page 1-26, Geology and Seismic Hazards

Impact

"Implementation of the proposed project could involve earth movement (cut and/or fill)."

Suggestions:

Under **Mitigation Measures;**

1. In GEO-1, Strike the phrase, "...a registered geologist or soils engineer..." and replace with "**geotechnical engineer**".
2. Replace all occurrences of the term "*Geologic Study*" with "**Geotechnical Report**" in GEO-1 and GEO-2.

A2

A3

3. In GEO-3, replace the phrase, “*All grading, landform modifications, and construction shall be in conformance with state-of-the practice design and construction parameters*”, with the phrase, “**All grading, landform modifications, and construction shall be in conformance with Title 15, Division 1 of the San Bernardino Municipal Code.**”

A4

Project Description, Exhibit 3-2

Suggestion: Label the Tri-City Area lying west of Del Rosa Drive as “**Tri-City I**”, and the Tri-City Area lying east of Waterman, west of Tippecanoe , and north of the I-10 freeway as “**Tri-City II**”.

A5

Project Description, Page 3-5

Suggestion: Break down the total area of 378 acres into separate areas for Tri-City Subarea I and II.

A6

Project Description, Page 3-12, Table 3-2

Suggestion: Show separate table entries for Tri-City Subareas I and II.

A7

Project Description, Page 3-22, Table 3-5

Question: Should the phrase, “Arrowhead Credit Union has acquired undeveloped and dilapidated properties the west be revised to read east ?

A8

Water, Page 5.16-4, Water Demand

The sentence which reads, “*The total demand was approximately 61,182,330 gallons per person per day or 22,331,550,450 gallons per year (68,533 acre-feet per year)*” appears to be incorrect.

A9



A. RESPONSES TO COMMENTS FROM ANDREW MACHEN, PLANNING COMMISSIONER, DATED JUNE 15, 2010.

- A1. Comment acknowledged. As discussed in Section 2.0, Introduction and Purpose, of the Draft EIR, a Program EIR was prepared for the merger and amendment of seven Project Areas. Consistent with *CEQA Guidelines* Section 15168, the Program EIR has characterized the overall program of the merger and amendment as the project. Section 3.0, Project Description, describes the various components of the proposed project and identifies the redevelopment potential associated with the proposed project (refer to Draft EIR Table 3-4). Also consistent with *CEQA Guidelines* Section 15168, when future development projects are proposed, the Redevelopment Agency would be required to examine the individual activities within the program to determine whether their effects were fully analyzed in the Program EIR. Thus, at the programmatic stage of air quality analysis for the proposed project, intersection capacity/queuing analyses are not performed, as no specific development is proposed and the future associated traffic numbers are unknown. Furthermore, per Section 5.5, Air Quality, as the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection, it can be reasonably inferred that CO hotspots would not be experienced at any locations within the City of San Bernardino due to the volume of traffic that would occur as a result of future development within the Project Area. Therefore, no revisions to the Draft EIR are necessary.
- A2. The commentator has suggested revising wording for Mitigation Measure GEO-1. The Redevelopment Agency has no concerns with the proposed revision as the intent of the mitigation measure remains the same; thus, the revision will be made in the Final EIR. Mitigation Measure GEO-1 on pages 1-26 and 5-9.24 of the Draft EIR will be revised as follows in the Final EIR:

GEO-1 Prior to issuance of a Grading Permit for each development project, ~~a registered geologist or soils engineer~~ geotechnical engineer shall prepare an area-specific Geologic Study, which shall be submitted to the Community Development/Redevelopment Department (Building and Safety) for approval. The Geologic Study shall specify the measures necessary to mitigate impacts related to liquefaction, expansion, and other geologic and seismic hazards, if any. All recommendations in the Geologic Study shall be implemented during area preparation, grading, and construction.

- A3. The commentator has suggested revising wording for Mitigation Measures GEO-1 and GEO-2. The Redevelopment Agency has no concerns with the proposed revision as the intent of the mitigation measures remain the same; thus, the revisions will be made in the Final EIR. Mitigation Measures GEO-1 and GEO 2 on pages 1-26, 1-27, and 5-9.24 of the Draft EIR will be revised as follows in the Final EIR:

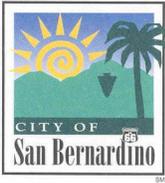


- GEO-1 Prior to issuance of a Grading Permit for each development project, a ~~registered geologist or soils engineer~~ geotechnical engineer shall prepare an area-specific ~~Geologic Study~~ Geotechnical Report, which shall be submitted to the Community Development/Redevelopment Department (Building and Safety) for approval. The ~~Geologic Study~~ Geotechnical Report shall specify the measures necessary to mitigate impacts related to liquefaction, expansion, and other geologic and seismic hazards, if any. All recommendations in the ~~Geologic Study~~ Geotechnical Report shall be implemented during area preparation, grading, and construction.
- GEO-2 Prior to issuance of any Grading Permit, applicants of development projects shall comply with each of the recommendations detailed in the ~~Geotechnical Study~~ Geotechnical Report, and other such measure(s) as the City deems necessary to adequately mitigate potential seismic and geotechnical hazards.

- A4. The commentator has suggested revising wording for Mitigation Measures GEO-3. The Redevelopment Agency has no concerns with the proposed revision as the intent of the mitigation measures remain the same; thus, the revisions will be made in the Final EIR. Mitigation Measure GEO-3 on pages 1-27 and 5-9.24 of the Draft EIR will be revised as follows in the Final EIR:

- GEO-3 ~~All grading, landform modifications, and construction shall be in conformance with state-of-the-practice design and construction parameters.~~ All grading, landform modifications, and construction shall be in conformance with Title 15, Division 1 of the San Bernardino Municipal Code. Typical standard minimum guidelines regarding regulations to control excavations, grading, earthwork construction, including fills and embankments and provisions for approval of plans and inspection of grading construction are set from the latest version of the California Building Code. Compliance with these standards shall be evident on grading and structural plans. This measure will be monitored by the City Building and Safety Department through periodic site inspections.

- A5. Comment acknowledged. The Tri-City Project Area will not be relabeled as the Redevelopment Agency wants to keep the references to the Tri-City as they are commonly used and to remain consistent throughout the Draft EIR. Therefore, no revisions to the Draft EIR are necessary.



- A6. Refer to Response A5.
- A7. Refer to Response A5.
- A8. Comment acknowledged. The Arrowhead Credit Union has acquired undeveloped and dilapidated properties to the west. Therefore, no revisions to the Draft EIR are necessary.
- A9. Comment acknowledged. Currently the annual water demand is approximately 330 gallons of water per person per day or 120,450 gallons per person per year. The Citywide total demand is approximately 61,182,330 gallons per day (not per person) or 22,331,550,450 gallons per year (68,533 acre-feet per year). This information was obtained from the *Final San Bernardino General Plan Update and Associated Specific Plans Environmental Impact Report*, prepared by The Planning Center, dated September 30, 2005. The Water Demand section on Page 5.16-4 will be revised as follows in the Final EIR:

Water Demand

In year 2005, the City's water demand was approximately 330 gallons of water per person per day (120,450 gallons per person per year). The Citywide total demand was approximately 61,182,330 gallons ~~per person~~ per day or 22,331,550,450 gallons per year (68,533 acre-feet per year).

COMMENT LETTER B

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT INTEROFFICE MEMORANDUM

2010 JUN 29 10 12 17

TO: Mr. Jeffrey Smith, AICP, Senior Urban Planner
Redevelopment Agency

FROM: Mike Nevarez, Water Utility Engineer
San Bernardino Municipal Water Department

SUBJECT: NOTICE OF AVAILABILITY OF A DRAFT PROGRAM
ENVIRONMENTAL IMPACT REPORT FOR SAN BERNARDINO
MERGED AREA A - MERGER AND AMENDMENTS (EPN 2009-009)

DATE: June 16, 2010

COPIES: Matt Litchfield, Director of Water Utility, Greg Gage, SBMWD Engineering
Manager

The San Bernardino Municipal Water Department (Department) received the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the San Bernardino Merged Area A – Merger and Amendments. The Department has reviewed the DEIR and is providing its written response within the public review period of June 2, 2010 through July 16, 2010.

The DEIR addresses the Redevelopment Agency's plan to merge seven (7) previously established redevelopment project areas. The proposed project is located in the southeastern portion of the City of San Bernardino. The project area encompasses approximately 2,823 acres in the Department's Lower Pressure Zone with land use designations of single and multi-family residential, industrial, commercial, open space, and vacant land. The Department previously responded to Mr. Brian Allee of RBF Consulting on December 16, 2009 and yourself on December 10, 2009. (See attached copies)

The San Bernardino Merged Area A - Merger and Amendments DEIR will combine existing redevelopment project areas with no specific construction projects identified. Upon submittal of future water related construction projects, the Department will review and comment as required. Accordingly, the Department is submitting three minor comments on the DEIR reviewed and has listed each below:

- In Section 1, page 37; heading "Water": change the Level of Significance Before Mitigation to "Potentially Significant Impact".
- In Section 1, page 37, heading "Water": add "Water infrastructure upgrades (i.e. pipeline diameter increases for fire flow) may be necessary. Applicant shall submit a hydraulic analysis to the San Bernardino Municipal Water Department prior to issuance of a building permit for any future development project."

B1

B2

B3

Mr. Jeffrey Smith, AICP, Senior Urban Planner

Page 2

June 16, 2010

SUBJECT: NOTICE OF AVAILABILITY OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR SAN BERNARDINO MERGED AREA A - MERGER AND AMENDMENTS (EPN 2009-009)

- In Section 1, page 38, heading "Wastewater": top of the page Mitigation Measure WW-3 change to read "Prior to issuance of a building permit for any future development project, the project applicant shall provide evidence that the City and the City of San Bernardino Municipal Water Department has sufficient wastewater transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested."

B4

Please contact me at (909) 384-5092 for further assistance. Please reference EPN 2009-009 in any communications regarding this project.

Sincerely,



Michael Nevarez
Water Utility Engineer

MN:jmt

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

BOARD OF WATER COMMISSIONERS

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Commissioners
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Director of Water Utility
JOHN A. CLAUS
Director of Water Reclamation
DON SHACKELFORD
Director of Finance
VALERIE HOUSEL
Director of Environmental &
Regulatory Compliance

"Trusted, Quality Service since 1905"

December 16, 2009

Mr. Brian Allee
Project Planner/Environmental Analyst
RBF Consulting
14725 Alton Parkway
Irvine, CA 92618-2027

Dear Mr. Allee:

**RE: RESPONSE TO SAN BERNARDINO REDEVELOPMENT PROJECT AREA
MERGER – AREA A ENVIRONMENTAL IMPACT REPORT (EPN 2009-009)**

The San Bernardino Municipal Water Department (Department) received the letter indicating the preparation of an Environmental Impact Report (EIR) along with a questionnaire. The questionnaire included eight (8) questions in reference to the Department's water system and Redevelopment Project Area A; however, the background information provided with the project does not discuss any specific construction projects.

In accordance with our phone conversation on December 4, 2009, the Department previously sent a copy of its Water Facilities Master Plan (Master Plan) dated August 2007 to Rosenow Spevacek Group Inc. (RSG). The Master Plan contains sufficient information to address the majority of the questions; therefore, the Department will refer to the Master Plan in the attached response when appropriate.

The following is the Department's response to the Redevelopment Project Area Merger – Area A questionnaire (Area A):

1. The Department production capacity can be found in Section 4 of the Master Plan, more specifically Table 4-1. Area A is located within the Department's Lower Pressure Zone,

and the production data is broken down for each zone in Table 4-1. The Department production capacity for 2006-2008 is also provided below:

	2006	2007	2008
Production	57,391 ac-ft	59,594 ac-ft	57,237 ac-ft

2. The Department has provided information regarding unit flow factors and projected water demands in Section 3, Tables 3-2, 3-3, and 3-4 of the Master Plan. The Department has run a system evaluation to determine if the existing facilities can meet the current and projected water demands. The results are outlined in Section 6 of the Master Plan. The information provided discusses the merger of seven (7) existing redevelopment project areas and no specific construction projects. The Department cannot project future water demand for your project without additional project-specific data.
3. Please refer to Section 5 of the Master Plan for existing facilities within the Lower Pressure Zone. Section 5 addresses existing piping by size, type, and age. This section also shows existing pump stations, pressure regulating stations, storage reservoirs, and the locations for each. Section 5 of the Master Plan also includes a system hydraulic schematic included as Figure 5-1 for your review.
4. Please refer to Section 4 of the Master Plan for historical production data. The Department compiles water quality data collected annually and delivers a Consumer Confidence Report to our customers. The past six (6) years of Consumer Confidence Reports are available on the Department's web site located at:

http://www.ci.sanbernardino.ca.us/sbmwd_residents/consumer_confidencereports.asp

The California Department of Public Health (CDPH) requires monitoring of water production source locations and the distribution system. To date the Department's water quality data collected does not indicate any significant health concerns. With the information provided, the Department cannot predict the impacts on future groundwater quality.

5. Please refer to Section 6 of the Master Plan to review the Department's evaluation of the water system distribution facilities and the ability to meet current and projected water demands. Section 6.4.1 discusses the Lower Pressure Zone observations and identified deficiencies. With the information provided the Department cannot provide specific facility upgrades.

Mr. Brian Allee
Page 3
December 16, 2009

6. SB 610 requires a formal written request to the City Planner who in turn will notify the Department's General Manager in writing to start and complete the Water Supply Assessment (WSA) process within ninety (90) days. The request for a WSA must meet the minimum requirements of the California Water Code, Section 10910 for the Department to proceed. The current 2005 Urban Water Management Plan (UWMP) contains projected water demands from 2005-2025. Projected water demands are based on current land uses and water billing data. The Department's 2005 UWMP can be located on the Department website at:

http://www.ci.san-bernardino.ca.us/sbmwd_divisions/water_utility/engineering2005_urban_water_management_plan.asp

No specific construction projects are identified for the Area A project, and therefore the Department cannot provide any additional demand information.

7. Please see Section 6, page 6-8 ("E") for the approximate gallon per minute (gpm) production capacity, and page 6-10 ("F") for the projected demand and the approximate additional supply capacity required to meet that demand. Section 6 discusses the evaluation of the water system distribution facilities and the ability to meet current and projected water demands. Pages 6-7 through 6-11 address the Lower Pressure Zone which covers the Area A project location.
8. The Department has provided the 2005 UWMP, 2007 Water Facilities Master Plan, and the Consumer Confidence Reports for the past 6 years to assist in the completion of the Environmental Impact Report for your project. The Department also provides all the Rules and Regulations approved by the Board of Water Commissioners on its website. Unless specific construction projects are identified, the Department has no further comments on the current project. The Department will provide further review as specific projects are identified.

If you have any further questions please contact me at (909) 384-5092 or e-mail me at Nevarez_mi@sbcitywater.org. Please reference EPN 2009-009 in any communications regarding this project.

Sincerely,



Michael Nevarez
Water Utility Engineer

MN:jmt

cc: Greg Gage, SBMWD Engineering Manager

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CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Mr. Jeffrey Smith, AICP, Senior Urban Planner
Redevelopment Agency

FROM: Mike Nevarez, Water Utility Engineer
San Bernardino Municipal Water Department

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT FOR SAN BERNARDINO REDEVELOPMENT
PROJECT AREA MERGER – AREA A, (EPN 2009-009)

DATE: December 10, 2009

COPIES:  Matt Litchfield, Director of Water Utility, Greg Gage, SBMWD Engineering
Manager

The San Bernardino Municipal Water Department (Department) received the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the San Bernardino Redevelopment Project Area Merger - Area A. The Department has reviewed the NOP and is providing its written response within the public review period of November 24, 2009 through December 23, 2009.

The NOP discusses the Redevelopment Agency's plan to merge seven (7) previously established redevelopment project areas. The proposed project is located in the eastern portion of the City of San Bernardino. The project area encompasses approximately 2,823 acres in the Department's Lower Pressure Zone with land use designations of single and multi-family residential, industrial, commercial, open space, and vacant land. The Department was previously contacted by the Redevelopment Agency's consulting firm Rosenow Spevacek Group Inc (RSG). The Department responded to an initial set of questions in its October 7, 2009 correspondence to RSG.

The San Bernardino Redevelopment Project Area Merger – Area A consists of combining existing redevelopment project areas with no specific construction projects identified. Accordingly, the Department has no comments on the DEIR submitted. Upon submittal of future construction projects requiring water service or upgrades to the Departments facilities, the Department will review and comment as required.

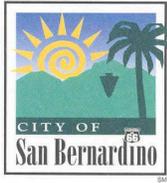
If you have any further questions please contact me at (909) 384-5092 for further assistance. Please reference EPN 2009-009 in any communications regarding this project.

Sincerely,

Michael Nevarez
Water Utility Engineer

MN:jmt

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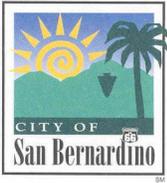


B. RESPONSES TO COMMENTS FROM MIKE NEVAREZ, WATER UTILITY ENGINEER, SAN BERNARDINO MUNICIPAL WATER DEPARTMENT, DATED DECEMBER 10, 2009 AND JUNE 16, 2010.

- B1. Comment acknowledged. The City of San Bernardino Municipal Water Department provided comments on the Notice of Preparation (letter dated December 10, 2009), as well as provided information to RBF Consulting (letter dated December 16, 2009). The information in both letters was utilized to prepare the Draft EIR.
- B2. Comment acknowledged. It is anticipated that future development projects would be required to be reviewed and commented on by all applicable City Departments or agencies, including the City of San Bernardino Municipal Water Department.
- B3. The Commentator has suggested the inclusion of a mitigation measure for future development projects. The inclusion of the mitigation would change the level of significance, both before and after mitigation in the EIR. However, the inclusion of the mitigation does not constitute new information that would require recirculation, as the mitigation reflects standards procedures used by the City of San Bernardino Municipal Water Department.

Thus, the text on page 1-37 in Section 1.5, Summary of Environmental Impacts and Mitigation Measures, of the Draft EIR will be revised as follows in the Final EIR:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
WATER			
Implementation of the proposed project could result in increased demand for water supplies and infrastructure within the City.	Less Than Significant Impact. <u>Potentially Significant Impact.</u>	No mitigation measures beyond the goals and policies identified in the General Plan are required. <u>WAT-1 Prior to the issuance of a building permit for any future development project, the project applicant shall submit a hydraulic analysis to the San Bernardino Municipal Water Department to determine if water infrastructure upgrades (i.e., pipeline diameter increases for fire flow) are necessary. If the hydraulic analysis determines that upgrades are necessary, the project</u>	Not Applicable. <u>Less Than Significant Impact.</u>



		applicant shall be responsible for their fair-share of the improvements.	
--	--	--	--

In addition, the text on page 5.16.8 of the Draft EIR will be revised as follows in the Final EIR:

5.16.4 PROJECT IMPACTS AND MITIGATION MEASURES

- ◆ IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN INCREASED DEMAND FOR WATER SUPPLIES AND INFRASTRUCTURE WITHIN THE CITY.

Level of Significance Before Mitigation: ~~Less Than Significant Impact~~ Potentially Significant Impact.

Also, the text on page 5.16-13 of the Draft EIR will be revised as follows in the Final EIR:

Mitigation Measures: ~~No mitigation measures beyond the goals and policies identified in the General Plan are required.~~

WAT-1 Prior to the issuance of a building permit for any future development project, the project applicant shall submit a hydraulic analysis to the San Bernardino Municipal Water Department to determine if water infrastructure upgrades (i.e., pipeline diameter increases for fire flow) are necessary. If the hydraulic analysis determines that upgrades are necessary, the project applicant shall be responsible for their fair-share of the improvements.

Level of Significance After Mitigation: ~~Not Applicable.~~ Less Than Significant Impact.

- B4. The Commentator has suggested revised wording for Mitigation Measure WW-3. The Redevelopment Agency has no concerns with the proposed revision as the intent of the mitigation measures remains the same; thus, the revision will be made in the Final EIR.

Mitigation Measure WW-3 on pages 1-38 and 5.17-10 of the Draft EIR will be revised as follows in the Final EIR:



**San Bernardino Merged Area A – Merger and Amendments
Program Environmental Impact Report**

WW-3 Prior to issuance of a building permit for any future development project, the project applicant shall provide evidence that the City and the City of San Bernardino Municipal Water Department has sufficient wastewater transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested.

COMMENT LETTER C

Jeff Smith

From: Brett Clavio [Brett.Clavio@omnitrans.org]
Sent: Wednesday, June 30, 2010 8:53 AM
To: Jeff Smith
Subject: Merged Area A Draft EIR
Attachments: TOD_policy.pdf; downtown-transit-village.pdf

Hello Jeff,

Thanks for sending us a copy of the Merged Area A Draft EIR.

The only comment or question that I had was regarding the amount of housing units proposed for the downtown.

While 170 housing units are included in table 1-1 for the station area, these units were envisioned for Block 'P' only- the area b/w the transit center and the ball field.

With the potential convergence of sbx, Omnitrans, and Metrolink stations at the transit center- I would encourage the city to look at providing for a greater number of housing units within the catchment area- ¼ to ½ mile radius area.

You may want to take a look at MTC's Housing units per station area on table 3 attached.

Thus, you may want at least 3,300 housing units - to support the intermodal station.

I believe FTA will be looking for similar data.

I'm not asking that you insert these numbers now, but that you may want to consider this for the future.

I believe EDAW and Cooper Carry and Gruen were all proposing these amounts of housing units. Please see attachment.

Thanks.

Regards,
Brett

C1

**MTC RESOLUTION 3434 TRANSIT-ORIENTED DEVELOPMENT (TOD) POLICY
FOR REGIONAL TRANSIT EXPANSION PROJECTS**

Adopted July 27, 2005

1. PURPOSE

The San Francisco Bay Area — widely recognized for its beauty and innovation — is projected to grow by almost two million people and one and a half million jobs by 2030. This presents a daunting challenge to the sustainability and the quality of life in the region. Where and how we accommodate this future growth, in particular where people live and work, will help determine how effectively the transportation system can handle this growth.

The more people who live, work and study in close proximity to public transit stations and corridors, the more likely they are to use the transit systems, and more transit riders means fewer vehicles competing for valuable road space. The policy also provides

support for a growing market demand for more vibrant, walkable and transit convenient lifestyles by stimulating the construction of at least 42,000 new housing units along the region’s major new transit corridors and will help to contribute to a forecasted 59% increase in transit ridership by the year 2030.

This TOD policy addresses multiple goals: improving the cost-effectiveness of regional investments in new transit expansions, easing the Bay Area’s chronic housing shortage, creating vibrant new communities, and helping preserve regional open space. The policy ensures that transportation agencies, local jurisdictions, members of the public and the private sector work together to create development patterns that are more supportive of transit.

TABLE 1: Resolution 3434 Transit Extension Projects Subject to Corridor Thresholds

PROJECT	SPONSOR	TYPE	THRESHOLD IS MET WITH CURRENT DEVELOPMENT?
BART East Contra Costa Rail Extension	BART/CCTA	Commuter Rail	No
BART — Downtown Fremont to San Jose/Santa Clara (a) Fremont to Warm Springs (b) Warm Springs to San Jose/ Santa Clara	(a) BART (b) VTA	BART extension	No
AC Transit Berkeley/Oakland/ San Leandro Bus Rapid Transit: Phase 1	AC Transit	Bus Rapid Transit	Yes
Caltrain Downtown Extension/Rebuilt Transbay Terminal	TJPA	Commuter Rail	Yes
MUNI Third Street Light Rail Transit Project Phase 2 — New Central Subway	MUNI	Light Rail	Yes
Sonoma-Marin Rail	SMART	Commuter Rail	No
Dumbarton Rail	SMTA, ACCMA, VTA, ACTIA, Capitol	Corridor Commuter Rail	No
Expanded Ferry Service Phase 1: Berkeley, Alameda/Oakland/Harbor Bay, and South San Francisco to San Francisco (Note 1)	WTA	Ferry	No
Expanded Ferry Service Phase 2: Alameda to South San Francisco, and Hercules, Antioch, Treasure Island, Redwood City and Richmond to San Francisco (Note 1)	WTA	Ferry	No

Note 1: The WTA Ferry Expansion “Corridor” for the purposes of the TOD policy consists of all new terminals planned in Phase 1 and Phase 2.

There are three key elements of the regional TOD policy:

- (a) Corridor-level thresholds to quantify appropriate minimum levels of development around transit stations along new corridors;
- (b) Local station area plans that address future land use changes, station access needs, circulation improvements, pedestrian-friendly design, and other key features in a transit-oriented development; and
- (c) Corridor working groups that bring together CMAs, city and county planning staff, transit agencies, and other key stakeholders to define expectations, timelines, roles and responsibilities for key stages of the transit project development process.

2. TOD POLICY APPLICATION

The TOD policy only applies to physical transit extensions funded in Resolution 3434 (see Table 1). The policy applies to any physical transit extension project with regional discretionary funds, regardless of level of funding. Resolution 3434 investments that only entail level of service improvements or other enhancements without physically extending the system are not subject to the TOD policy requirements. Single station extensions to international airports are not subject to the TOD policy due to the infeasibility of housing development.

3. DEFINITIONS AND CONDITIONS OF FUNDING

For purposes of this policy “regional discretionary funding” consists of the following sources identified in the Resolution 3434 funding plan:

- FTA Section 5309- New Starts
- FTA Section 5309- Bus and Bus Facilities Discretionary
- FTA Section 5309- Rail Modernization
- Regional Measure 1- Rail (bridge tolls)
- Regional Measure 2 (bridge tolls)
- Interregional Transportation Improvement Program
- Interregional Transportation Improvement Program- Intercity rail
- Federal Ferryboat Discretionary
- AB 1171 (bridge tolls)
- CARB-Carl Moyer/AB434 (Bay Area Air Quality Management District)*

These regional funds may be programmed and allocated for environmental and design related work, in preparation for addressing the requirements of the TOD policy. Regional funds may be programmed and allocated for right-of-way acquisition in advance of meeting all requirements in the policy, if land preservation for TOD or project delivery purposes is essential. No regional funds will be programmed and allocated for construction until the requirements of this policy have been satisfied. See Table 2 for a more detailed overview of the planning process.

TABLE 2: Regional TOD Policy Implementation Process for Transit Extension Projects

TRANSIT AGENCY ACTION	CITY ACTION	MTC/CMA/ABAG ACTION
<i>All parties in corridors that do not currently meet thresholds (see Table 1) establish Corridor Working Group to address corridor threshold. Conduct initial corridor performance evaluation, initiate station area planning.</i>		
Environmental Review/ Preliminary Engineering/ Right-of-Way	Conduct Station Area Plans	Coordination of corridor working group, funding of station area plans
Step 1 Threshold Check: the combination of new Station Area Plans and existing development patterns exceeds corridor housing thresholds .		
Final Design	Adopt Station Area Plans. Revise general plan policies and zoning, environmental reviews	Regional and county agencies assist local jurisdictions in implementing station area plans
Step 2 Threshold Check: (a) local policies adopted for station areas; (b) implementation mechanisms in place per adopted Station Area Plan by the time Final Design is completed.		
Construction	Implementation (financing, MOUs) Solicit development	TLC planning and capital funding, HIP funding

* The Carl Moyer funds and AB 434 funds are controlled directly by the California Air Resources Board and Bay Area Air Management District. Res. 3434 identifies these funds for the Caltrain electrification project, which is not subject to the TOD policy.

4. CORRIDOR-LEVEL THRESHOLDS

Each transit extension project funded in Resolution 3434 must plan for a minimum number of housing units along the corridor. These corridor-level thresholds vary by mode of transit, with more capital-intensive modes requiring higher numbers of housing units (see Table 3). The corridor thresholds have been developed based on potential for increased transit ridership, exemplary existing station sites in the Bay Area, local general plan data, predicted market demand for TOD-oriented housing in each county, and an independent analysis of feasible development potential in each transit corridor.

- Meeting the corridor level thresholds requires that within a half mile of all stations, a combination of existing land uses and planned land uses meets or exceeds the overall corridor threshold for housing (listed in Table 3);
- Physical transit extension projects that do not currently meet the corridor thresholds with development that is already built will receive the highest priority for the award of MTC’s Station Area Planning Grants.
- To be counted toward the threshold, planned land uses must be adopted through general plans, and the appropriate implementation processes must be put in place, such as zoning codes. General plan language alone without supportive implementation policies, such as zoning, is not sufficient for the purposes of this policy. Ideally, planned land uses will be formally adopted through a specific plan (or equivalent), zoning codes and general plan amendments along with an accompanying programmatic Environmental Impact Report (EIR) as part of the overall station area planning process. Minimum densities will be used in the calculations to assess achievement of the thresholds.
- An existing end station is included as part of the transit corridor for the purposes of calculating the corridor thresholds; optional stations will not be included in calculating the corridor thresholds.

- New below-market housing units will receive a 50 percent bonus toward meeting the corridor threshold (i.e. one planned below-market housing unit counts for 1.5 housing units for the purposes of meeting the corridor threshold. Below market for the purposes of the Resolution 3434 TOD policy is affordable to 60% of area median income for rental units and 100% of area median income for owner-occupied units);
- The local jurisdictions in each corridor will determine job and housing placement, type, density, and design.
- The Corridor Working Groups are encouraged to plan for a level of housing that will significantly exceed the housing unit thresholds stated here during the planning process. This will ensure that the Housing Unit Threshold is exceeded corridor-wide and that the ridership potential from TOD is maximized.

5. STATION AREA PLANS

Each proposed physical transit extension project seeking funding through Resolution 3434 must demonstrate that the thresholds for the corridor are met through existing development and adopted station area plans that commit local jurisdictions to a level of housing that meets the threshold. This requirement may be met by existing station area plans accompanied by appropriate zoning and implementation mechanisms. If new station area plans are needed to meet the corridor threshold, MTC will assist in funding the plans. The Station Area Plans shall be conducted by local governments in coordination with transit agencies, Association of Bay Area Governments (ABAG), MTC and the Congestion Management Agencies (CMAs).

Station Area Plans are opportunities to define vibrant mixed use, accessible transit villages and quality transit-oriented development – places where people will want to live, work, shop and spend time. These plans should incorporate mixed-use developments, including new housing, neighborhood serving retail, employment, schools, day care centers, parks and other amenities to serve the local community.

TABLE 3: Corridor Thresholds Housing Units — Average per Station Area

Project Type	BART	Light Rail	Bus Rapid Transit	Commuter Rail	Ferry
Housing Threshold	3,850	3,300	2,750	2,200	750

Each corridor is evaluated for the Housing Threshold. For example, a four station commuter rail extension (including the existing end-of-the-line station) would be required to meet a corridor-level threshold of 8,800 housing units.

Threshold figures above are an average per station area based on both existing land uses and planned development within a half mile of all stations. New below market rate housing is provided a 50% bonus towards meeting housing unit threshold.

At a minimum, Station Area Plans will define both the land use plan for the area as well as the policies—zoning, design standards, parking policies, etc.—for implementation. The plans shall at a minimum include the following elements:

- Current and proposed land use by type of use and density within the half-mile radius, with a clear identification of the number of existing and planned housing units and jobs;
- Station access and circulation plans for motorized, non-motorized and transit access. The station area plan should clearly identify any barriers for pedestrian, bicycle and wheelchair access to the station from surrounding neighborhoods (e.g., freeways, railroad tracks, arterials with inadequate pedestrian crossings), and should propose strategies that will remove these barriers and maximize the number of residents and employees that can access the station by these means. The station area and transit village public spaces shall be made accessible to persons with disabilities.
- Estimates of transit riders walking from the half mile station area to the transit station to use transit;
- Transit village design policies and standards, including mixed use developments and pedestrian-scaled block size, to promote the livability and walkability of the station area;
- TOD-oriented parking demand and parking requirements for station area land uses, including consideration of pricing and provisions for shared parking;
- Implementation plan for the station area plan, including local policies required for development per the plan, market demand for the proposed development, potential phasing of development and demand analysis for proposed development.

The Station Area Plans shall be conducted using existing TOD design guidelines that have already been developed by ABAG, local jurisdictions, transit agencies, the CMAs and others. MTC will work with ABAG to provide more specific guidance on the issues listed above that must be addressed in the station area plans and references and information to support this effort. MTC is conducting an analysis of parking policies that will be made available when complete, and shall be considered in developing local parking policies for TODs.

6. CORRIDOR WORKING GROUPS

The goal of the Corridor Working Groups is to create a more coordinated approach to planning for transit-oriented development along Resolution 3434 transit corridors. Each of the transit extensions subject to the corridor threshold process, as identified in Table 1, will need a Corridor Working Group, unless the current level of development already meets the corridor threshold. Many of the corridors already have a transit project working group that may be adjusted to take on this role. The Corridor Working Group shall be coordinated by the relevant CMAs, and will include the sponsoring transit agency, the local jurisdictions in the corridor, and representatives from ABAG, MTC, and other parties as appropriate.

The Corridor Working Group will assess whether the planned level of development satisfies the corridor threshold as defined for the mode, and assist in addressing any deficit in meeting the threshold by working to identify opportunities and strategies at the local level. This will include the key task of distributing the required housing units to each of the affected station sites within the defined corridor. The Corridor Working Group will continue with corridor evaluation, station area planning, and any necessary refinements to station locations until the corridor threshold is met and supporting Station Area Plans are adopted by the local jurisdictions.

MTC will confirm that each corridor meets the housing threshold prior to the release of regional discretionary funds for construction of the transit project.

7. REVIEW OF THE TOD POLICY

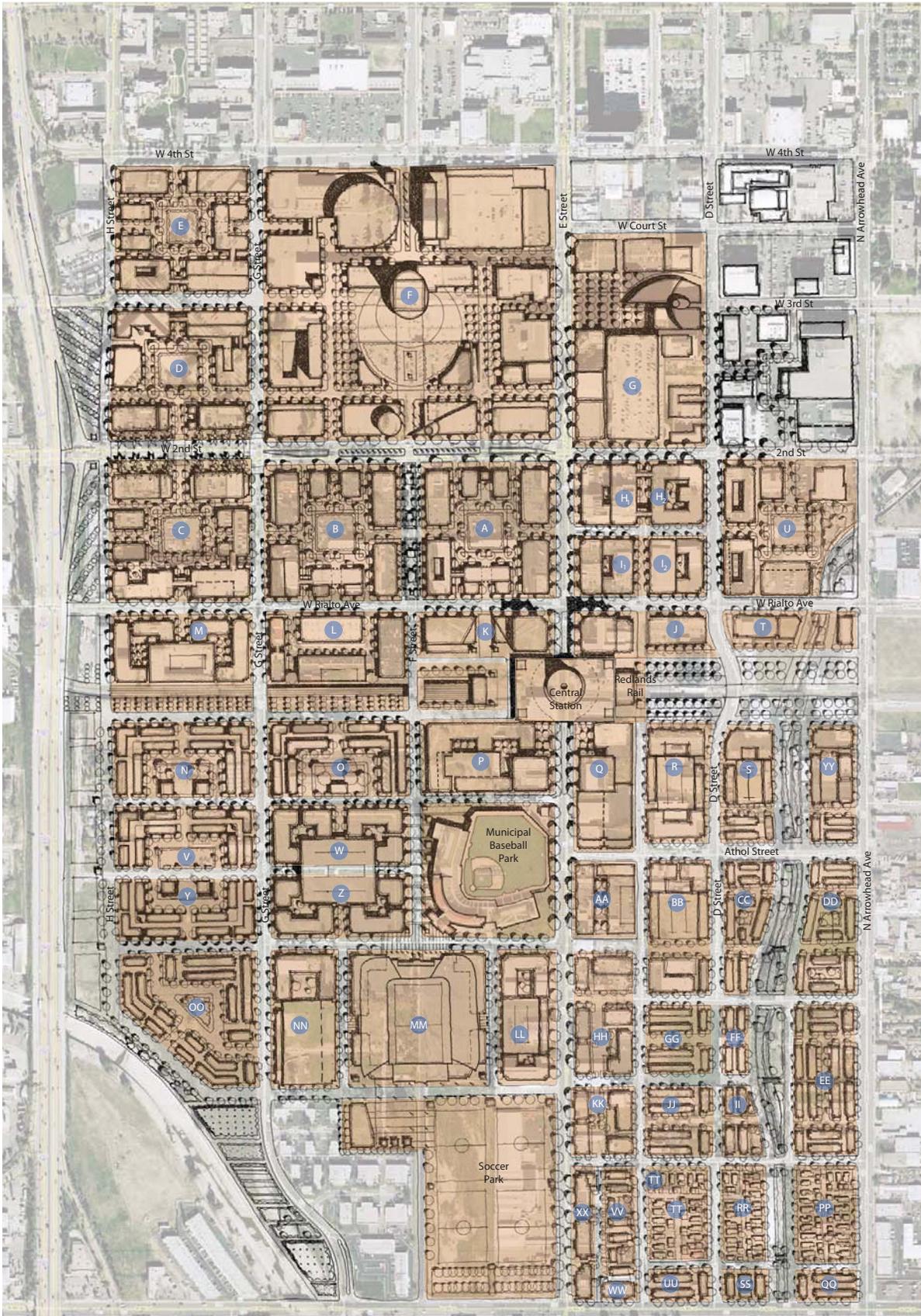
MTC staff will conduct a review of the TOD policy and its application to each of the affected Resolution 3434 corridors, and present findings to the Commission, within 12 months of the adoption of the TOD policy.

FOR MORE INFORMATION

James Corless • jcorless@mtc.ca.gov • 510.817.5709
Valerie Knepper • vknepper@mtc.ca.gov • 510.817.5824

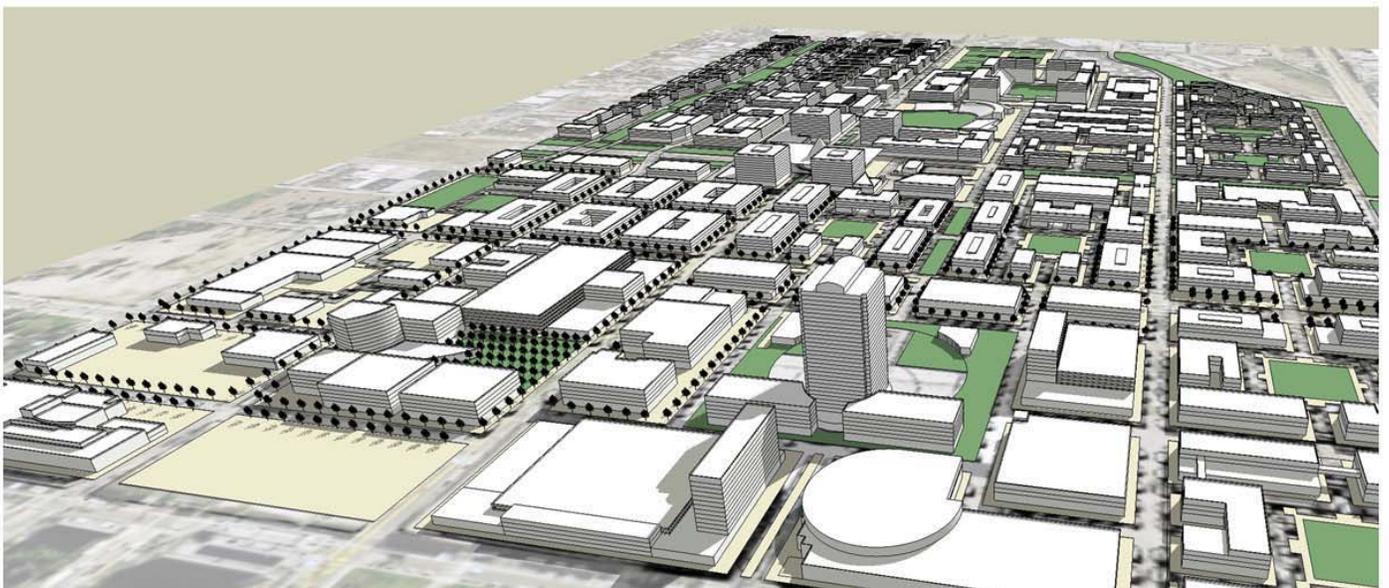
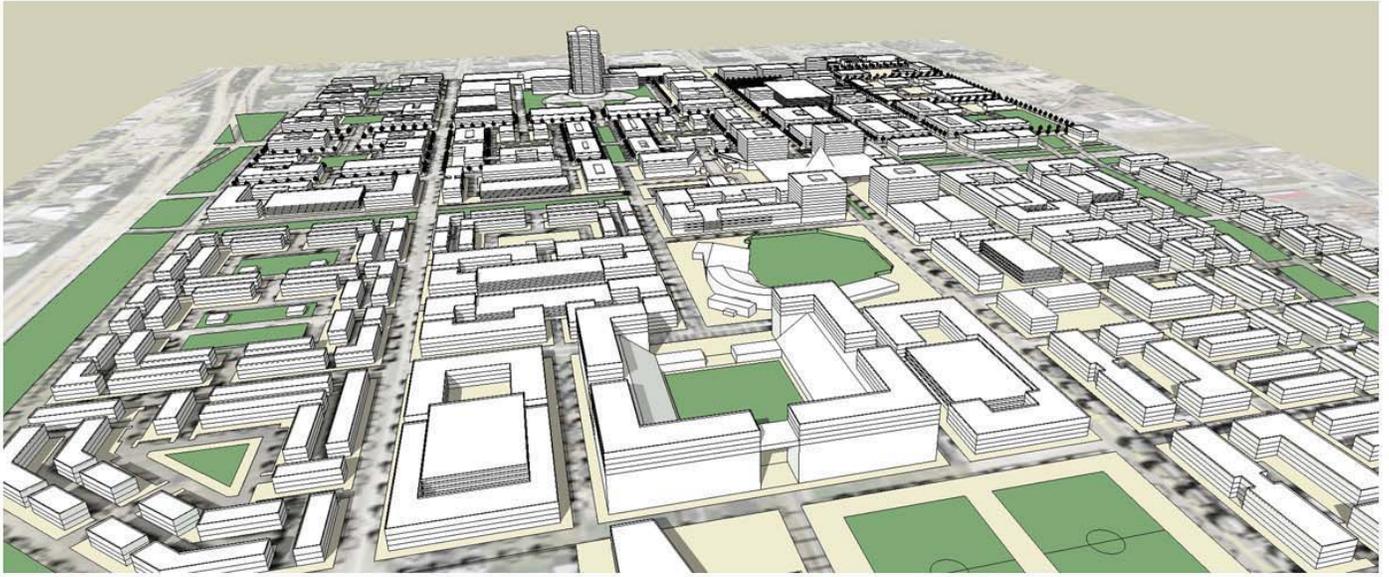


METROPOLITAN
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SAN BERNARDINO
 DOWNTOWN PROJECT PLAN
 Proposed Block Diagram

Scale 1:200



Draft Land Use Matrix San Bernardino Transit Downtown

Block	Land Use	Square Footage	Floor(s)	Units/Keys	Pkg. Req'd	Pkg. Prov.
A	Retail	90,000			450	
	Office	250,000			575	
	Residential	98,824		80	120	156
	Park	36,000				
	Total	438,824		80	1,145	156
B	Retail	74,000			370	
	Office	150,000			345	
	Residential	98,824		80	120	156
	Park	36,000				
	Total	322,824		80	835	156
C	Retail	20,000			100	
	Office	136,000			313	
	Residential	98,824		80	120	156
	Park	36,000				
	Total	254,824		80	533	156
D	Retail	20,000			100	
	Office	135,000			311	
	Residential	98,824		80	120	156
	Park	36,000				
	Total	253,824		80	531	156
E	Retail	10,000			50	
	Office	136,000			313	
	Residential	98,824		80	120	156
	Park	36,000				
	Total	244,824		80	483	156
F	Retail	30,000			150	
	Office	200,000			460	
	Residential					
	Hotel	258,823		400	400	1,000
	Cultural	120,000			120	1,028
	Civic/Public	500,000			500	1,500
	Convention	300,000			300	
	Park	217,000				
Total	1,408,823			1,930	3,528	

Block	Land Use	Square Footage	Floor(s)	Units/Keys	Pkg. Req'd	Pkg. Prov.
G	Existing City Hall Site					
H1	Retail	20,000			100	
	Office	100,000			230	
H2	Residential	185,294		150	225	480
	Total	305,294		150	555	480
I1	Retail	20,000			100	
	Office	100,000			230	
I2	Residential	118,588		96	144	480
	Total	238,588		96	474	480
J	Retail	20,000			100	
	Office	250,000			575	
	Residential	0				
	Total	270,000			675	0
K	Retail	45,000			225	
	Office	250,000			575	500
	Residential					
	Total	295,000			800	500
L	Retail	20,000			100	
	New Office	50,000			115	553
	Exist. Office	50,000			115	
	Residential	55,588		45	68	
	Total	175,588		45	398	553
M	Residential	178,500		200	300	775
	Total	178,500		200	120	775
N	Residential	180,000		50	Self Pkd	
	Park	37,500				
	Total	180,000		50	0	
O	Residential	180,000		50	Self Pkd	
	Park	37,500				
	Total	180,000		50	0	

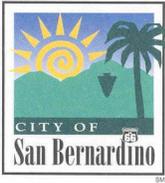
Block	Land Use	Square Footage	Floor(s)	Units/Keys	Pkg. Req'd	Pkg. Prov.
P	Retail	30,000			150	
	Office	200,000			460	
	Residential	151,725		170	255	800
	Total	381,725		170	865	800
Q	Retail	20,000			100	
	Office	250,000			575	
	Residential					
	Total	270,000		675		
R	Residential	117,810		132	198	
	Total	117,810		132	198	530
S	Residential	117,810		132	198	
	Total	117,810		132	198	230
T	Office	50,000			115	
	Total	50,000			115	
U	Residential	71,400		80	120	117
	Total	71,400		80	120	117
V	Residential	160,000		135	Self Pkd	
	Park	22,500				
	Total	160,000		135	0	
W	Residential	160,000		135	Self Pkd	
	Park	22,500				
	Total	160,000		135	0	
X	Stadium					
	Total					
Y	Residential	160,000		135	Self Pkd	
	Park	22,500				
	Total	160,000		135	0	
Z	Residential	160,000		135	Self Pkd	
	Park	22,500				
	Total	160,000		135	0	
AA	TH Resid	59,500		28	Self Pkd	
	Work Units	16,320		8	38	
	Total	75,820		36	0	
BB	Residential	178,500		200	300	
	Total	178,500		200	300	465

Block	Land Use	Square Footage	Floor(s)	Units/Keys	Pkg. Req'd	Pkg. Prov.
CC	TH Resid	76,500		45	Self Pkd	
	Total	76,500		45	0	
DD	TH Resid	102,000		60	Self Pkd	
	Total	102,000		60	0	
EE	TH Resid	153,000		90	Self Pkd	
	Total	153,000		90	0	
FF	TH Resid	30,600		18	Self Pkd	
	Total	30,600		18	0	
GG	Residential	185,640		208	312	
	Total	185,640		208	312	460
HH	Live/Work	76,500		45	45	
	Total	76,500		45	45	45
II	TH Resid	34,000		20	Self Pkd	
	Total	34,000		20		
JJ	TH Resid	68,000		40	Self Pkd	
	Total	68,000		40		
KK	Live/Work	76,500		45	45	
	Total	76,500		45	45	45
LL	Live/Work	229,500		135	Self Pkd	
	Total	229,500		135		
MM	Stadium					
	Residential	89,250		100	150	
	Total	89,250		100	150	
NN	Residential	149,940		168	252	
	Retail	23,000			115	
	Total	172,940		168	367	1000
OO	TH Resid	163,200		96	Self Pkd	
	Total	163,200		96		
PP	SF Resid.	34,000		20	Self Pkd	
	Total	34,000		20		
QQ	SF Resid	30,600		18	Self Pkd	
	Total	30,600		18		

Block	Land Use	Square Footage	Floor(s)	Units/Keys	Pkg. Req'd	Pkg. Prov.
RR	SF Resid	32,300		19	Self Pkd	
	Total	32,300		19		
SS	SF Resid	20,400		12	Self Pkd	
	Total	20,400		12		
TT	SF Resid	34,000		20	Self Pkd	
	Total	34,000		20		
UU	SF Resid	30,600		18	Self Pkd	
	Total	30,600		18		
VV	TH Resid	40,800		24	Self Pkd	
	Total	40,800		24		
WW	Live/Work	13,600		8	12	
	Total	13,600		8	12	12
XX	Live/Work	42,840		21	31	
	Total	42,840		21	31	31
YY	TH Resid	42,500		25	Self Pkd	
	Total	42,500		25		
Block	Land Use	Square Footage	Floor(s)	Units/Keys	Pkg. Req'd	Pkg. Prov.
	Total	8,287,825		4,186	11,090	10,874

TRANSIT DOWNTOWN PROJECT DEVELOPMENT TOTALS				
Retail	442,000			2,210
Office	2,323,320			5,345
Cultural	120,000			120
Civic	800,000			800
Residential	4,485,105		3,528	3,212
Live/Work	438,940		254	90
TH Resid	770,100		446	0
SF Resid	181,900		107	0
Residential	3,094,165		2,721	3,122
Hotel	258,823		400	400
TOTAL	8,429,248		3,928	12,087
				10,831
Park	562,000	12.9 AC		

Parking Provided



C. RESPONSES TO COMMENTS FROM BRETT CLAVIO, OMNITRANS, DATED JUNE 30, 2010.

- C1. The Commentator has noted there are a number of future transportation projects either existing or being planned in the City: sbx, Omnitrans, and Metrolink. In addition, the Commentator has provided information regarding the Metropolitan Transportation Commission's MTC Resolution 3434 Transit-Oriented Development (TOD) Policy for Regional Transit Expansion Projects, Adopted July 27, 2005, and excerpts of texts and maps related to planning for the Downtown Transit Village. The Redevelopment Agency acknowledges receipt of this information.

The Commentator has raised a question regarding the assumption of 170 units for the Intermodal and Transit-Oriented Development, and suggested a total of 3,300 units to support the Intermodal Station. The Redevelopment Agency included the 170 units, based upon information known at the time the Notice of Preparation was issued for the EIR. As noted above, there are a number of planning and transportation project studies being prepared. The City of San Bernardino *San Bernardino Downtown Core Vision & Action Plan*, dated June 2009, is a realistic roadmap for the future revitalization and redevelopment of downtown San Bernardino. It builds around the existing core strengths of government, transportation and education, and would allow Downtown to be distinct from any that exists in a 50-mile radius. The Downtown would be unique and would not compete (i.e., take business from) with other successful areas within the City. Downtown would no longer be populated from 9:00 AM to 5:00 PM., but would transform itself into a Downtown where people live, work, and socialize around the clock. There is the potential that these studies will identify different residential or non-residential numbers than those identified in this EIR. Should that be the case, further environment analysis may be necessary, and as part of that analysis, the development potential would be reviewed to ensure consistency with the Redevelopment Plan and the General Plan Goals and Policies.

COMMENT LETTER D

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION



COUNTY OF SAN BERNARDINO

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130

GRANVILLE M. "BOW" BOWMAN, P.E., P.L.S.
Director of Public Works

July 12, 2010

File: 10(ENV)-4.01

City of San Bernardino
Redevelopment Agency
Attn: Jeffrey Smith, AICP, Senior Urban Planner
201 North "E" Street, Ste. 301
San Bernardino, CA 92401

RE: NOTICE OF AVAILABILITY OF THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE SAN BERNARDINO MERGED AREA [A] – MERGER AND AMENDMENTS (SCH #2009111089)

Dear Mr. Smith:

Thank you for giving the San Bernardino County Department of Public Works and Flood Control District the opportunity to comment on the above-referenced project. We have reviewed the documents and provide the following comments:

Flood Control Planning Division (Robert Hollstein, Engineering Tech V, (909) 387-8122)

1. Department of Land Use Services should review the Initial Study/EIR to confirm compliance regarding the redirecting of drainage patterns to off-site properties. | **D1**
2. The DEIR does not appear to adequately address any proposed or existing drainage systems. If drainage lines are proposed to be connected to regional facilities (including but not limited to Lytle Creek Flood Control Channel, Twin Creek Flood Control Channel, Warm Creek Flood Control Channel, and/or San Timoteo Creek Flood Control Channel) a hydrology/hydraulic study would need to be submitted to the Flood Control District. | **D2**
3. All runoff from the various properties included in the Merged Area [A] must meet all standards set forth by the conditions of the property through the Land Use permit. | **D3**
4. Acceptance and approval of said merger will not supersede, limit or reduce any previously established conditions set forth by the Flood Control District. | **D4**
5. Any and all drainage of new development must conform to current governing water quality control board requirements. | **D5**

Traffic Division (Ed Petre, P.E., Public Works Engineer III, (909) 387-8239)

1. Provide a copy of the traffic report to the County of San Bernardino Traffic Division for our review. | **D6**

If you have any questions, please contact the specific individuals that have provided that comment, as listed above.

Sincerely,

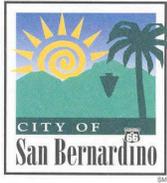
NARESH P. VARMA, P.E., Chief
Environmental Management Division

NPV:mp/CEQA Comments - San Bndo Merged Area A.doc

cc: Nancy Sansonetti
GMB/ARI Reading File

GREGORY C. DEVEREAUX
County Administrative Officer

Board of Supervisors
BRAD MITZELFELT First District NEIL DERRY Third District
PAUL BIANE Second District GARY C. OVITT Fourth District
JOSIE GONZALES Fifth District



- D. RESPONSES TO COMMENTS FROM NARESH P. VARMA, P.E., CHIEF ENVIRONMENTAL MANAGEMENT DIVISION, DEPARTMENT OF PUBLIC WORKS, COUNTY OF SAN BERNARDINO, DATED JULY 12, 2010.**
- D1. Comment acknowledged. As discussed in Section 2.0, Introduction and Purpose, of the Draft EIR, a Program EIR was prepared for the merger and amendment of seven Project Areas. Consistent with *CEQA Guidelines* Section 15168, the Program EIR has characterized the overall program of the merger and amendment as the project. Section 3.0, Project Description, describes the various components of the proposed project and identifies the redevelopment potential associated with the proposed project (refer to Draft EIR Table 3-4). Also consistent with *CEQA Guidelines* Section 15168, when future development projects are proposed, the Redevelopment Agency would be required to examine the individual activities within the program to determine whether their effects were fully analyzed in the Program EIR. Thus, the confirming compliance regarding the redirecting of drainage patterns to off-site properties will be reviewed by the Redevelopment Agency, and other appropriate agencies, once individual development projects have been submitted. Also, Mitigation Measures HYD-1, HYD-2, and HYD-3 address drainage and storm water requirements for individual development projects. Therefore, no revisions to the Draft EIR are necessary.
- D2. Refer to Response D1. In addition, Pages 5.11-7 and 5.11-8 of Section 5.11, Hydrology, Drainage, and Water Quality in the Draft EIR address the existing local drainage system within the Project Area. The project proposes the consolidation of seven Project Areas into one Project Area. The proposed project does not propose project specific drainage systems. Several storm drain infrastructure improvements may be constructed with future projects, which would coincide with other improvements as part of the City's Capital Improvement Program. Mitigation Measures HYD-1 through HYD-3 reduce potential impacts for future individual projects to less than significant. Therefore, no revisions to the Draft EIR are necessary.
- D3. The comment states that all runoff from the various properties included in the Merged Area A must meet all standards set forth by the conditions of the property through the Land Use Permit. Refer to Responses D1 and D2. In addition, refer to Page 5.11-30 in the Draft EIR. All future developments within the Project Area would be required to comply with all applicable City, County, State, and Federal water quality rules and regulations. Redevelopment Action 10 in the *Merged, Amended, and Restated Development Plan for the San Bernardino Merged Redevelopment Project Area A* states that the Agency would acquire, install, develop, construct, reconstruct, redesign, plan, re-plan, or reuse streets, curbs, gutters, flood control facilities, and other public improvements and public facilities. General Plan goals and policies would further ensure adequate drainage system capacity is available. Mitigation Measure HYD-3 requires new development projects be designed to reduce impacts related to drainage system capacity to less than significant levels. Additionally, the discussion under the Impact Analysis for "Water Quality Standards" on pages 5.11-20 through 5.11-28 of the Draft EIR concludes that the proposed project would not contribute significant amounts of polluted runoff with implementation of Mitigation Measures HYD-1 and HYD-2. Therefore, no revisions to the Draft EIR are necessary.



- D4. Comment acknowledged. The approval of the proposed project would not limit or reduce any previously established conditions set forth by the Flood Control District. Therefore, no revisions to the Draft EIR are necessary.
- D5. Comment acknowledged. Refer to Responses D1, D2, and D3.
- D6. Comment acknowledged. A copy of the traffic report for future development projects, if warranted, will be submitted to the County of San Bernardino Traffic Division for review.

COMMENT LETTER E



ARNOLD SCHWARZENEGGER
GOVERNOR

July 19, 2010

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



CYNTHIA BRYANT
DIRECTOR

Jeffrey Smith
City of San Bernardino
Economic Development Agency
201 North E Street, Suite 301
San Bernardino, CA 92401

Subject: San Bernardino Merged Area A - Merger and Amendments
SCH#: 2009111089

Dear Jeffrey Smith:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 16, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

A handwritten signature in cursive script that reads "Scott Morgan".

Scott Morgan
Acting Director, State Clearinghouse

E1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009111089
Project Title San Bernardino Merged Area A - Merger and Amendments
Lead Agency San Bernardino, City of

Type EIR Draft EIR
Description The proposed project is located in the eastern portion of the City of San Bernardino. The proposed project involves various redevelopment plan amendments and the merger of seven of the Agency's Redevelopment Project Areas. The Redevelopment Project Areas are currently surrounded by developed properties and have been deemed redevelopment areas based on their underutilization. Currently, the seven Redevelopment Project Areas consist of many land uses, not all of which are being utilized to their highest and best use, but improving with the implementation of redevelopment projects.

Lead Agency Contact

Name Jeffrey Smith
Agency City of San Bernardino
Phone 909-663-1044 **Fax**
email
Address Economic Development Agency
201 North E Street, Suite 301
City San Bernardino **State** CA **Zip** 92401

Project Location

County San Bernardino
City San Bernardino
Region
Lat / Long
Cross Streets Multiple
Parcel No.

Township	Range	Section	Base
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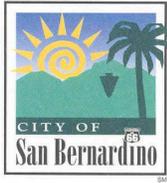
Proximity to:

Highways I-10, I-215
Airports San Bernardino International Air
Railways Metrolink, Amtrak
Waterways
Schools
Land Use Multiple General Plan and Zoning Designations

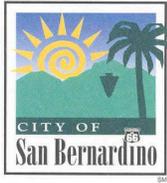
Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Flood Plain/Flooding; Geologic/Seismic; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 06/02/2010 **Start of Review** 06/02/2010 **End of Review** 07/16/2010



- E. RESPONSES TO COMMENTS FROM SCOTT MORGAN, ACTING DIRECTOR, STATE CLEARINGHOUSE, STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, DATED JULY 19, 2010.**
- E1. The comment letter acknowledges receipt of the Draft EIR and notes that copies of the Draft EIR were submitted to selected State agencies; and that no comments were received from the State agencies. The comment letter also notes that the project has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. Comment acknowledged and no revisions to the Draft EIR are necessary.



13.6 ERRATA FOR FINAL EIR

The Final EIR will be a revised document that incorporates all of the changes made to the Draft EIR following the public review period.

1. Mitigation Measure GEO-1 on pages 1-26 and 5.9-24 of the Draft EIR will be revised as follows in the Final EIR:

GEO-1 Prior to issuance of a Grading Permit for each development project, a ~~registered geologist or soils engineer~~ geotechnical engineer shall prepare an area-specific Geologic ~~Study Report~~, which shall be submitted to the Community Development/Redevelopment Department (Building and Safety) for approval. The Geologic ~~Study Report~~ shall specify the measures necessary to mitigate impacts related to liquefaction, expansion, and other geologic and seismic hazards, if any. All recommendations in the Geologic ~~Study Report~~ shall be implemented during area preparation, grading, and construction.

2. Mitigation Measure GEO-2 on pages 1-27 and 5.9-24 of the Draft EIR will be revised as follows in the Final EIR:

GEO-2 Prior to issuance of any Grading Permit, applicants of development projects shall comply with each of the recommendations detailed in the Geotechnical ~~Study Report~~, and other such measure(s) as the City deems necessary to adequately mitigate potential seismic and geotechnical hazards.

3. Mitigation Measure GEO-3 on pages 1-27 and 5.9-24 of the Draft EIR will be revised as follows in the Final EIR:

GEO-3 All grading, landform modifications, and construction shall be in conformance with Title 15, Division 1 of the San Bernardino Municipal Code~~state-of-the-practice design and construction parameters~~. Typical standard minimum guidelines regarding regulations to control excavations, grading, earthwork construction, including fills and embankments and provisions for approval of plans and inspection of grading construction are set from the latest version of the California Building Code. Compliance with these standards shall be evident on grading and structural plans. This measure will be monitored by the City Building and Safety Department through periodic site inspections.

4. The Water Demand section on page 5.16-4 of the Draft EIR will be revised as follows in the Final EIR:

Water Demand

In year 2005, the City's water demand was approximately 330 gallons of water per person per day (120, 450 gallons per person per year). The Citywide total demand was approximately 61,182,330 gallons ~~per person~~ per day or 22,331,550,450 gallons per year (68,533 acre-feet per year).



5. The text on page 1-37 in Section 1.5, Summary of Environmental Impacts and Mitigation Measures, of the Draft EIR will be revised as follows in the Final EIR:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
WATER			
Implementation of the proposed project could result in increased demand for water supplies and infrastructure within the City.	Less Than Significant Impact. <u>Potentially Significant Impact.</u>	No mitigation measures beyond the goals and policies identified in the General Plan are required. <u>WAT-1 Prior to the issuance of a building permit for any future development project, the project applicant shall submit a hydraulic analysis to the San Bernardino Municipal Water Department to determine if water infrastructure upgrades (i.e., pipeline diameter increases for fire flow) are necessary. If the hydraulic analysis determines that upgrades are necessary, the project applicant shall be responsible for their fair-share of the improvements.</u>	Not Applicable. <u>Less Than Significant Impact.</u>

6. The text on page 5.16-8 of the Draft EIR will be revised as follows in the Final EIR:

5.16.4 PROJECT IMPACTS AND MITIGATION MEASURES

- ◆ **IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN INCREASED DEMAND FOR WATER SUPPLIES AND INFRASTRUCTURE WITHIN THE CITY.**

Level of Significance Before Mitigation: ~~Less Than Significant Impact~~ Potentially Significant Impact.



7. The text on page 5.16-13 of the Draft EIR will be revised as follows in the Final EIR:

Mitigation Measures: ~~No mitigation measures beyond the goals and policies identified in the General Plan are required.~~

WAT-1 Prior to the issuance of a building permit for any future development project, the project applicant shall submit a hydraulic analysis to the San Bernardino Municipal Water Department to determine if water infrastructure upgrades (i.e., pipeline diameter increases for fire flow) are necessary. If the hydraulic analysis determines that upgrades are necessary, the project applicant shall be responsible for their fair-share of the improvements.

Level of Significance After Mitigation: ~~Not Applicable.~~ Less Than Significant Impact.

8. Mitigation Measure WW-3 on pages 1-38 and 5.17-10 of the Draft EIR will be revised as follows in the Final EIR:

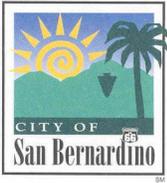
WW-3 Prior to issuance of a building permit for any future development project, the project applicant shall provide evidence that the City and the City of San Bernardino Municipal Water Department has sufficient wastewater transmission and treatment plant capacity to accept sewage flows from buildings for which building permits are being requested.

9. The text on pages 1-3 and 3-15 of the Draft EIR will be revised as follows in the Final EIR:

AMENDMENT TO EXTEND THE EFFECTIVENESS AND TERM TO RECEIVE TAX INCREMENT BY 10 YEARS

The Agency wishes to pursue the extension of the effectiveness of the Central City North and Meadowbrook/Central City Project Areas. These Project Areas will reach their effectiveness time limit in the near future. Once the effectiveness limit is reached, implementation activities (except for inclusionary housing) within the Project Areas must cease and funds can only be spent on administering debt associated with the Project Areas. Therefore, the Agency wishes to pursue the 10-year amendment to extend the effectiveness and time period to receive tax increment for these two Project Areas. This amendment will further the Agency's ability to financially support needed redevelopment projects and programs in Merged Area A.

The City's existing Housing Element (adopted July 2003) is currently being updated. A draft of the updated Housing Element has been submitted to the Department of Housing and Community Development (HCD) for their mandatory review for compliance with State law. Following HCD review and any updates to the draft Housing Element, the City will hold public hearings to adopt the Housing Element.



**San Bernardino Merged Area A – Merger and Amendments
Program Environmental Impact Report**

As such, the 10-year amendments as previously identified for the Central City North and Meadowbrook/Central City Project Areas will not be undertaken at this time, but would be subject to a subsequent amendment after the Housing Element is adopted by the City and certified by HCD.