

Section 11.0: Response to Comments

Six comment letters on the Draft SEIR were received by the City during the public review period from March 1 to April 14, 2011 and one letter after the public review period (Appendix K). This section provides a discussion of the comments on the Draft SEIR and responses to those comments. Section 11.1 identifies the individuals and agencies that submitted written comments on the Draft SEIR. The SEIR preparers and the City of Ontario, as the Lead Agency, then prepared point-by-point responses to the comments received. The responses are provided beside each comment in Section 11.2 below. Modifications to the Draft SEIR required as a result of the comments and responses are listed in Section 11.3, along with other City revisions or clarifications. These changes are shown in strikeout/underline text in the pertinent sections of this Final SEIR. The changes to the Draft SEIR are not substantive and do not alter the analysis or conclusions of the Draft SEIR.

11.1 COMMENTS RECEIVED ON THE DRAFT SEIR

Persons and agencies that commented on the Draft SEIR include the following:

- ❖ Dan Kupolsky, Caltrans District 8, Planning
- ❖ Stephanie Hall, City of Fontana
- ❖ Daniel Garcia, South Coast Air Quality Management District
- ❖ Cynthia Guidry, Los Angeles World Airports
- ❖ Philip Crimmins, Caltrans District 8, Division of Aeronautics
- ❖ Scott Morgan, Governor's Office of Planning and Research
- ❖ Annesley Ignatius, San Bernardino County Department of Public Works

11.2 RESPONSES TO COMMENTS

Provided below are point-by-point responses to the environmental issues raised by the written comments. The letters are provided on the left-hand side of the page, with corresponding responses on the right-hand side of each page.

Section 11.0: Response to Comments

Dan Kupolsky
Caltrans District 8
March 16, 2011

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th FLOOR, MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
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*Flex your power!
Be energy efficient!*

March 16, 2011

City of Ontario
Planning Department
Attention: Richard Ayala
200 North Cherry Ave
Ontario, CA 91764

08-SBd I-10 PM 0.00

Subject: Guasti Plaza Specific Plan Amendment/SCH No. 2008111072

Dear Mr. Ayala:

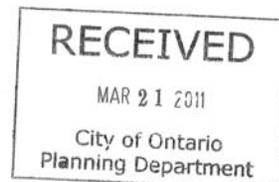
Caltrans has reviewed the submittals for the Guasti Plaza Specific Plan and we have the following comments.

- A1**
- Please label the year (i.e. 2008) on all figures and exhibits.
- A2**
- Volumes and LOS analysis could not be verified. Please include traffic counts and analysis with the next submittal.
- A3**
- No future year (2035) volumes or analysis were found. Report should include existing and future year analysis.

We appreciate the opportunity to offer our comments concerning this project. If you have any questions regarding this letter, please contact Christine Medina at (909) 383-6908 or Dan Kupolsky at (909) 383-4557.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA



A1 Response: The titles of Figures 4.4-1 and 4.4.2 have been revised to include the year of the traffic counts (2005) and Figure 4.4-3 has been revised to change the title to Proposed Roadway Circulation at Buildout.

A2 Response: The existing and projected traffic volumes and LOS analyses are contained in the traffic studies in Appendix D of the Draft SEIR.

A3 Response: The SEIR and the traffic analysis in the SEIR build upon previous EIRs and traffic studies for the Specific Plan area. A Traffic Study had been completed for the Guasti Plaza Specific Plan, which was adopted in 1996. A Traffic Study had also been prepared for the Guasti Redevelopment Plan in 2000. Both studies looked at the area-wide impacts of buildout of the Specific Plan and the surrounding areas. A Traffic Study for internal circulation within Guasti Plaza was also prepared in 2007/2008. A Trip Generation Study was completed in 2009 to determine if the trip generation from future residential development would be the same as that for planned commercial uses for the 11.72-acre area proposed for a Residential Overlay Zone. Since the estimated residential trips would be less than what has been projected for commercial uses on the same site, the previous traffic studies were considered to have analyzed the worst case scenario and the mitigation and on-site improvements in these studies would also be required for future residential development. Impacts on the freeway system are expected to be the same as analyzed in previous EIRs.

Section 11.0: Response to Comments

Stephanie Hall
City of Fontana
April 12, 2011



City of Fontana
CALIFORNIA

April 12, 2011

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

Re: Notice of Availability of a Draft Supplemental Environmental Impact Report
for the Guasti Plaza Specific Plan Amendment (SCH 2008111072)

Dear Mr. Ayala,

On March 10, 2011, the City of Fontana Planning Division received the Notice of Availability of a Draft Supplemental Environmental Impact Report for the Guasti Plaza Specific Plan Amendment (SCH 2008111072). The subject property consists of approximately 78.4 acres bounded by Interstate 10 to the north, Turner Avenue to the east, the Union Pacific Railroad right-of-way to the south and Archibald Avenue to the west. The public review period began on March 1, 2011, through April 14, 2011. At this time, the City has no comments or concerns. Thank you for allowing the City of Fontana to participate in the public review process.

B1

B1 Response: Comment noted. No response required.

Sincerely,
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Stephanie Hall, Senior Planner

SH: am

Section 11.0: Response to Comments

Daniel Garcia
South Coast Air Quality Management District
April 14, 2011

From: Daniel Garcia [mailto:dgarcia@aqmd.gov]
Sent: Wed 4/13/2011 3:40 PM
To: Richard Ayala
Cc: Ian MacMillan
Subject: Guasti Plaza Project Health Risk Assessment Files

Mr. Ayala
AQMD staff is currently reviewing the air quality analysis for the Guasti Plaza Specific Plan Amendment (project). However, it does not appear that the lead agency has included the input files for the project's health risk assessment in the draft EIR. Therefore, we would like to request that the lead agency forward these files to us to enable a complete review of the proposed project's potential air quality impacts. Please note that the comment period ends tomorrow (April 14, 2011).

Also, please note that the AQMD staff cannot receive any e-mail that contains more than 9MB of information. Therefore, if these files are larger than 9MB an FTP site may be ideal. I highly appreciate your assistance with this matter.

Best Regards,
Dan Garcia
Air Quality Specialist
Planning, Rule Development, and Area Sources
21865 Copley Drive
Diamond Bar, CA 91765-4178
P: (909) 396-3304
F: (909) 396-3324

C1

C1 Response: Input files were provided to Mr. Garcia at SCAQMD on April 14, 2011.

C2 Response: Comment noted. Responses to the SCAQMD comment letter are provided below.

From: Daniel Garcia [mailto:dgarcia@aqmd.gov]
Sent: Thursday, April 14, 2011 6:31 PM
To: Richard Ayala; Scott Murphy
Cc: Ian MacMillan; Angela Kim
Subject: Guasti Plaza Specific Plan Amendment SEIR

The South Coast Air Quality Management District's comments are provided in the attached letter. Please be advised that you will also receive this letter by U.S. Mail.

Regards,

Dan Garcia
Air Quality Specialist
Planning, Rule Development, and Area Sources
21865 Copley Drive
Diamond Bar, CA 91765-4178
P: (909) 396-3304
F: (909) 396-3324

C2

Section 11.0: Response to Comments



South Coast

Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: April 14, 2011
rayala@ci.ontario.ca.us

April 14, 2011

Mr. Richard Ayala
City of Ontario
Planning Department
200 North Cherry Avenue
Ontario, CA 91764

**Review of the Draft Environmental Impact Report (Draft EIR)
for the Proposed Guasti Plaza Specific Plan Amendment Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Given that the proposed project includes sensitive land uses (i.e., residences) the AQMD staff is concerned about the potential health risk impacts to the proposed project's residents from an active rail line immediately adjacent (within 100 feet) to the project's southern boundary and the I-10 Freeway that is located approximately 500 feet north of the project site. Specifically, AQMD staff is concerned that the lead agency may have underestimated the impacts from toxic air pollutants emitted by the significant volume (approximately 250,000 automobiles per day) of traffic on the I-10 Freeway and the active rail line (approximately 42 trains per day) that runs along the project's southern boundary. Further, the proposed mitigation measures do not appear to be adequate to reduce these impacts to a less than significant level. AQMD staff requests that the lead agency revise its analysis of project impacts and mitigation measure effectiveness based on the detail comments attached to this letter.

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the final EIR. Further, staff is available to work with the lead agency

C3 Response: Please see C6 and C7 Responses below.

C4 Response: Responses to the SCAQMD comment letter were provided to the SCAQMD on April 22, 2011.

C3

C4

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Mr. Richard Ayala

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April 14, 2011

to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

C5

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

C5 Response: Comment noted. No response required.

Attachment

IM:DG

SBC110301-04

Control Number

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Mr. Richard Ayala

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April 14, 2011

Health Risk Analysis

1. Based on the lead agency's discussion of the health risk analysis on pages 4.5-14 through 4.5-18 and in Appendix F of the draft EIR the AQMD staff is concerned that the potential health risk impacts for the proposed project may be underestimated. Specifically, AQMD staff is concerned that the particulate emissions factor (i.e., 1163.4 grams per mile) used for rail emissions in the health risk assessment (HRA) is inaccurate (i.e., too low). The lead agency states that this emissions factor is based on a "Tier-1" particulate emissions limit of 3.6 grams per gallon. However, the actual EPA Tier-1 particulate emissions limit is 0.45 g/bhp-hr¹ which results in an emissions factor of 9.36 grams per gallon (0.45 g/bhp-hr multiplied by 20.8 bhp-hr/gallons²). Therefore, the lead agency's particulate emissions from trains may be underestimated nearly threefold. In addition, it is not clear in the HRA if the 0.13 miles per gallon fuel efficiency accounts for multiple locomotives per train or operating at a notch setting consistent with operations expected on the line at this location. As a result, the AQMD staff recommends that the lead agency revise the HRA in the draft EIR to properly reflect EPA's Tier-1 particulate emissions standards of 0.45g/bhp-hr or 9.36 grams per gallon and to provide additional justification for its choice of fuel efficiency.

Potential Health Risk Impacts to Sensitive Land Uses

2. The proposed project contains sensitive land uses (i.e., residences) surrounded by known sources of Toxic Air Contaminants (TACs) including an active rail line that facilitates 42 trains per day and the I-10 Freeway that carries at least 12,000 trucks and 250,000 cars per day. As a result, the lead agency determined that prior to mitigation these sources will pose a significant health risk impact (i.e., a cancer risk of 200 in one million) to the proposed project. Given this significant health risk impact the lead agency incorporates Mitigation Measure 4.5.3b that requires the use of particulate filters placed in residential HVAC systems that would mitigate the project's health risk impacts from the aforementioned sources of TACs to less than significant. However, AQMD staff is concerned that while these filters can be effective against particulate pollution they do not have the ability to remove a wide variety of gaseous pollutants (i.e., NOx, TAC's and VOC's) associated with traffic-related pollution and some industrial sources. These filters also have no effectiveness when windows or doors are open, or on outdoor activities associated with residential uses, and require long term maintenance beyond the requirements of Mitigation Measure 4.5.3b.

Further, it is not clear that the proposed filtration level of 95% across all particle size ranges is achievable in a residential setting with the proposed technology. For example, a recent study conducted by the AQMD of advanced technology filters found that they

¹ EPA's Tier-1 PM Emissions Factor for Line Haul Trains, CFR Title 40 Section 92.8. Accessed at: <http://www.gpo.gov/fdsys/pkg/CFR-2010-title40-vol20/pdf/CFR-2010-title40-vol20-part92.pdf>

² EPA's Technical Guidance on Conversion factors for Large Line Haul Locomotives. Accessed at: <http://www.epa.gov/nonroad/locomotiv/420f09025.pdf>

C6

C6 Response: The Draft SEIR statement that Tier I particulate emissions limit is 3.6 grams per gallon is a typographical error and has been revised. This actually is the "Tier II" limit assumed applicable to the trains adjacent to the project site for the next 70 years. In fact, engines manufactured from 2012-2014 must meet Tier III particulate standards of 0.10 g-bhp-hr, and Tier IV engine standards of 0.03 g-bhp-hr apply to all train engines manufactured in 2015 and beyond. The Draft SEIR assumption of Tier II engines in use for the next 70 years is therefore a gross over-prediction of particulate emission rates. The 0.13 miles per gallon value is the average fuel efficiency per gallon for freight trains in the United States. For the relatively flat terrain in Ontario, this is presumed applicable. If multiple engines are hooked up, each one operates at a lower power level, or some are not fired up until the train climbs into elevated terrain such that number of engines or notch settings is not relevant in considering average fuel efficiency.

C7

C7 Response: The local ambient excess individual cancer risk is close to 1,000 in a million (mainly from diesel particulate matter) and the calculated maximum impact from diesel sources adjacent to the project is 262 in a million. Even if the filtration system only removes 80 % of particulates as suggested in the comment, project residents would still have a much lower total exposure than unprotected residences away from the airport area seen as follows:

Ambient exposure risk (mitigated) = 1,000 in a million X 0.2 = 200

Local exposure risk (mitigated) = 292 in a million X 0.2 = 58

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are only 80 to 90% effective for particle sizes typically found in diesel exhaust (<http://www.aqmd.gov/rfp/attachments/2010/AQMDPilotStudyFinalReport.pdf>). Therefore, AQMD staff recommends that the lead agency reconsider additional mitigation to ensure that the project will not pose significant health risks to residents.

Mitigation Measures for Construction Air Quality Impacts

3. Given that the lead agency concluded that the proposed project will have significant construction related air quality impacts the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15126.4. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.
 - During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:
 - ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards at a minimum. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards at minimum. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards at a minimum, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

C7

Even at 80 percent efficiency, project residents protected with recommended air filtration systems will experience one-fourth of the inhalation risk level as the general population. Although some gaseous pollutants may escape capture, advanced filters do remove many gaseous pollutants as well. In particular, ozone (the most harmful gaseous pollutant in photochemical smog) is substantially reduced by filters with activated charcoal substrates, as are a number of other pollutants (EPA Air Pollution Control Training Course, updated 2010). Removal efficiencies in excess of 95% can be achieved as long as the filters have adequate surface capacity to adsorb gaseous contaminants.

Table 4.5-8 shall be revised to change Enhanced Indoor Exposure to 80 percent efficiency, with the exposure at Guasti Plaza at 290 and the Average Exposure at 292, which would still be less than exposure in Other Areas.

C8

C8 Response: The California ARB has recently adopted a rule to delay the schedule for implementing In-Use Off-Road Diesel Vehicle Emissions for two primary reasons. The recession has severely hurt the construction industry and is in need of relief. Secondly, and even more importantly, the ARB methodology and data inputs historically used to calculate diesel exhaust pollution emissions was found to overstate emissions by as much as 300% (<http://www.arb.ca.gov/ordiesel>). The same methodology (OFFROAD2007 computer model) was used to calculate project-related construction emissions that were concluded to have a potentially significant impact.

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April 14, 2011

- ✓ Encourage construction contractors to apply for AQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment emissions, refer to the mitigation measure tables located at the following website: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

C8

C9

The measures recommended in this comment would introduce substantial additional cost to contractors and may not even be necessary because the air quality impact was over-estimated using the previously approved ARB methodology (the OFFROAD2007 computer model is no longer supported by the ARB because of its gross prediction errors). The recommended measures may also shut out many small business or minority contractors with small equipment fleets who cannot afford the upgrade costs associated with these measures. If it can be demonstrated that the recommended measures do not unfairly discriminate against small or minority businesses, then their inclusion in project mitigation would be proper. Certainly all contractors should be encouraged to, apply for SCAQMD “SOON” funds if they cover a significant portion of equipment retrofit costs. However, in light of statewide requirements that most equipment fleets are not required to start the phased retrofit process until 2017 with a 2022 ultimate implementation, placing a project requirement that every piece of diesel equipment over 50 hp must meet ultimate Tier 4 emission standards by January, 2015, is considered to not have a well supported nexus between impact and mitigation.

Still, these mitigation measures shall be considered on a case-by-case basis by the City for implementation by contractors of the proposed residential development. Please note that the City is also in the process of developing a Climate Action Plan that would be looking at these measures for inclusion into the Plan.

C9 Response: The SCAQMD’s current menu of proposed mitigation measures closely parallels the measures in the Draft SEIR, although the tables in the website provide additional detail on the minimum frequency of needed dust control activities. The bullets under MM 4.5.1a shall be revised to reflect Table XI-A from the SCAQMD reference.

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Cynthia Guidry/Angelica Espiritu
Los Angeles World Airports
April 12, 2011

From: ESPIRITU, ANGELICA G [mailto:AESPIRITU@lawa.org]
Sent: Thursday, April 14, 2011 8:30 AM
To: Richard Ayala
Subject: Project Title: Guasti Plaza Specific Plan Amendment (PSPA 08-006) (SCH2008111072) - Draft Supplemental EIR
Importance: High

Dear Mr. Ayala:

Thank you for providing the weblink I requested for the Project. LAWA has completed the review of the Draft SEIR. Attached is a comment letter. The original hard copy of the letter has been sent to your attention.

LAWA urges that there be a reconsideration of the residential proposal. If the Proposed Project is approved nonetheless, then a revision to the SEIR to remedy the identified issues in our comment letter should be resolved before action is taken for approval.

Thank you.
Angelica

Angelica Espiritu
Los Angeles World Airports
Airports and Facilities Planning Division
Tel: (424) 646-6495
Fax: (310) 646-0686

D1

D1 Response: Comment noted. Responses to the LAWA comment letter are provided below.

Section 11.0: Response to Comments



April 12, 2011

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

LAX

LA/Ontario

Van Nuys

City of Los Angeles

Antonio R. Villaraigosa
Mayor

Board of Airport
Commissioners

Michael A. Lucson
President

Valeria C. Velasco
Vice President

Joseph A. Anselmi
Robert D. Beyer
Boyd Hight
Fernando M. Torres Gil
Walter Zillon

Gina Marie Findey
Executive Director

Subject: Notice of Availability for the Draft Supplemental
Environmental Impact Report (SEIR)
Guasti Plaza Specific Plan Amendment

Dear Mr. Ayala:

Los Angeles World Airports (LAWA) respectfully submits the following comments in response to the Draft Supplemental Environmental Impact Report (SEIR) for the Guasti Plaza Specific Plan Amendment. The proposed project of the Guasti Plaza Specific Plan Amendment involves a revision of the adopted Specific Plan document to provide an update to existing conditions at the site and create a Residential Overlay Zone on approximately 11.72 acres with a maximum of 500 dwelling units.

In our January 13, 2009 letter which commented on the Notice of Preparation for this project, LAWA requested that the noise impacts associated with the costs and risks of allowing new residential developments so close to LA/Ontario International Airport (LA/ONT) be carefully considered. On Page 4.6-7, the report states that the southern section of the site is within the existing 65 dB noise contour. However, according to Figure 4.6-3 labeled "Existing Airport Noise Contours", the project site is entirely outside of the 65 CNEL contour and would not be within the noise impact area for LA/ONT. Please also identify the source and date of the document you are using for the existing contours. As you are aware, LAWA produces quarterly contour maps. The contours often change over time and it is not accurate to label and portray these contours as representative of existing conditions without proper reference or justification of the use of the source.

In LAWA's January 13, 2009 letter, LAWA requested that the project's impacts to LA/ONT be identified and fully mitigated. In addition to the existing and future noise contours analysis LAWA also requested that the residential quality of life in the vicinity of the airport, along with open space, hazards from aircraft emissions and impacts on air commerce including growth in air cargo operations, be discussed since residential uses are generally not compatible with airport operations.

D2 Response: Please note that the comment letter from LAWA signed by W. Richard Wells written by Paula McHargue dated January 13, 2009 states as follows:

“As stated in the NOP, the current 65 dB CNEL noise contour for ONT extends into the project area.”

Figure 4.6-3 are the noise contours for the Ontario International Airport for the fourth quarter of 2008, which are the most recently available. While these contours change over time, CEQA requires a discussion of the existing environmental setting at the time of release of the Notice of Preparation (NOP). The NOP for this project was mailed out on November 20, 2008. Thus, this noise contour reflects the existing setting used in the analysis for the SEIR.

D3 Response: Section 4.6, Noise, of the SEIR analyzes the noise impacts of the project, as well as exposure of future residents of the proposed residential units to various noise sources.

D4 Response: The Draft SEIR does not use a 3-dB SPL increase as significant under CEQA, as suggested. The adopted threshold of significance is an increase of +3 dB CNEL. CEQA requires an evaluation of a potential substantial change in noise levels from existing conditions which the Draft SEIR takes to be a clearly perceptible increase of +3 dB CNEL. The Draft SEIR also considers a noise impact to be significant if the proposed project is placed into an acoustic environment where the proposed use is incompatible with the ambient level and cannot be mitigated to a less than significant level. Section 5014 of Title 21 considers a noise level exceeding 65 dB CNEL to be incompatible with apartments or condominiums unless:

D2

D3

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Mr. Richard Ayala
April 12, 2011
Page 2

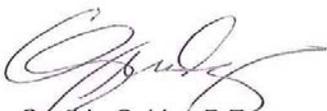
Notice of Availability for the Draft Supplemental
Environmental Impact Report (SEIR)
Guasti Plaza Specific Plan Amendment

On page 4.6-7 and 4.6-9, the threshold of significance discussion states that the term "substantial increase" is not defined by any responsible agency and thus, the City of Ontario has chosen to use a 3 dB SPL difference to define substantial increase. The discussion in this section however is mixing metrics incorrectly. The 3 dB SPL figure does not correlate to 3 dB CNEL increase. Moreover, the California Airport Noise Standards (Title 21) does establish thresholds of significance for Land Use Compatibility and the SEIR should provide an analysis based on these standards.

The report indicates that impacts associated with traffic, air quality, noise and GHG emissions from future residential development would remain significant and unavoidable with standard conditions and mitigations incorporated. LAWA concurs with the Federal Aviation Administration (FAA) objection to a residential development project that would place homes close to the airport that may be within the future 65 CNEL contour. (SEIR for Guasti Plaza SPA, FAA response comment letter to the Notice of Preparation, Page S-39, <http://www.ci.ontario.ca.us/index.cfm/22642/75538>)

If you have any questions regarding these comments, please contact Angelica Espiritu of my staff at (424) 646-9495 or aespiritu@lawa.org.

Sincerely,



Cynthia Guidry, P.E.
Chief of Airport Planning
Facilities Planning Division

CG:AE:yl

- 1) An aviation easement for aircraft noise has been acquired by the airport proprietor, or,
- 2) The residence is a high rise apartment or condominium having an interior CNEL of 45 dB or less in all habitable rooms due to aircraft noise, and an air circulation or air conditioning system as appropriate.

The noise mitigation requires that interior noise levels be reduced to 45 dB CNEL in all habitable rooms and that supplemental ventilation be provided in all rooms where window closure is a necessary requirement to achieve the 45 dB CNEL interior level. A mitigation measure for the aviation easement has also been added into the SEIR.

D4

D5 Response: Comment noted. Impacts to traffic, air quality and climate change are significant under the currently adopted Specific Plan and conversion to residential use of a portion of the Specific Plan does not create "new" impacts. However, new impacts would result from proposed placement of residential use in an acoustic environment exceeding 65 dB CNEL and in an area of elevated health risk from diesel exhaust exposure. Structural noise mitigation and supplemental ventilation are mitigation measures proposed to eliminate the residential incompatibility with the ambient acoustic environment. The same ventilation system is proposed to be highly upgraded with advanced air filtration systems that remove both the diesel particulate matter (DPM) from trains, planes and freeway traffic, as well as the DPM present in the overall ambient atmospheric environment. With these measures, the impact of placing proposed residential development in a noisy and polluted environment can be reduced although not to a less than significant level, as stated in the Draft SEIR.

D5

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Philip Crimmins
Caltrans Division of Aeronautics
April 1, 2011

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
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TTY 711



*Flex your power!
Be energy efficient!*

April 1, 2011

Mr. Richard Ayala
City of Ontario
200 North Cherry Avenue
Ontario, CA 91764



Dear Mr. Ayala:

Re: City of Ontario Draft Supplemental Environmental Impact Report (DSEIR) for the Guasti Plaza Specific Plan Amendment; SCH# 2008111072

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise, and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposal is for an Amendment to the Guasti Plaza Specific Plan. Among other things, the amendment would create an overlay designation that would allow for the development of residential uses within a portion of the Guasti Plaza Specific Plan area. A maximum of 500 residential dwelling units on approximately 11.72 acres are contemplated in the overlay zone.

The project site is located approximately 2,200 feet north of the Ontario International Airport (ONT). Pursuant to the Airport Noise Standards (California Code of Regulations, Title 21, Chapter 6, Section 5000 et seq.), the County of San Bernardino declared ONT to have a "noise problem". The regulations require a noise problem airport to reduce the size of its "noise impact area" (NIA), which is the area within the airport's 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour that is composed of incompatible land uses.

Allowing new residential development within ONT's 65 dB CNEL contour would most likely result in an increase, rather than the required decrease, in the size of the airport's NIA unless appropriate additional measures are applied to the project. The type of structures containing the residential units which are finally constructed at the site will dictate which measures are appropriate. Please refer to Section 5014(a) of the Airport Noise Standards to determine mitigation measures necessary to prevent an increase to ONT's NIA. Depending on the type of dwelling unit, appropriate measures may include aviation easements for aircraft noise, insulating units for aircraft noise as well as addressing dwelling ventilation. The Airport Noise Standards are available at our website: <http://www.dot.ca.gov/hq/planning/aeronaut/avnoise.html>

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact Caltrans District 8 office

"Caltrans improves mobility across California"

E1 Response: Comment noted. No response required.

E2 Response: A mitigation measure shall be added in Section 4.6, Noise, that will require an aviation easement for aircraft noise be provided to the Ontario International Airport prior to the occupancy of the dwelling units.

E3 Response: Comment noted. The Caltrans Planning Division submitted comments on the Draft SEIR, as provided above.

E1

E2

E3

Section 11.0: Response to Comments

Mr. Richard Ayala
April 1, 2011
Page 2

concerning surface transportation issues. **E3**

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-6223, or by email at philip_crimmins@dot.ca.gov. **E4**

Sincerely,



PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, City of Ontario ALUC, Ontario Int'l Airport

E3 Response: Comment noted. The Caltrans Planning Division submitted comments on the Draft SEIR, as provided above.

E4 Response: Comment noted. No response required.

Section 11.0: Response to Comments

Scott Morgan
Governor's Office of Planning and Research
April 15, 2011



JERRY BROWN
GOVERNOR

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



April 15, 2011

Richard Ayala
City of Ontario
200 North Cherry Avenue
Ontario, CA 91764

Subject: Guasti Plaza Specific Plan Amendment
SCH#: 2008111072

Dear Richard Ayala:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 14, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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APR 16 2011

City of Ontario
Planning Department

F1

F1 Response: Comment noted. Responses to the Caltrans Aeronautics Division comment letter are provided above.

Section 11.0: Response to Comments

Document Details Report State Clearinghouse Data Base

SCH# 2008111072
Project Title Guasti Plaza Specific Plan Amendment
Lead Agency Ontario, City of

Type SIR Supplemental EIR
Description Note: Ref: SCH# 1991122009

The proposed Guasti Plaza Specific Plan Amendment involves a revision to the adopted Specific Plan document to provide an update on the existing conditions at the site and to discuss pertinent regulations and approvals that would regulate future development. The proposed Specific Plan Amendment would also create a Residential Overlay Zone on approximately 11.72 acres at the eastern and southeastern section of the Specific Plan area, where a maximum of 500 dwelling units would be allowed in portions of Planning Areas 2 and 3, with a density of 25-65 units per acre.

Lead Agency Contact

Name Richard Ayala
Agency City of Ontario
Phone (909) 395-2421
email
Address 200 North Cherry Avenue
City Ontario **State** CA **Zip** 91764

Project Location

County San Bernardino
City Ontario
Region
Lat / Long 34° 3' 53" N / 117° 35' 7.18" W
Cross Streets Turner Avenue & New Guasti Road
Parcel No. multiple
Township 1S **Range** 7W **Section** 23 **Base** SBB&M

Proximity to:

Highways I-10
Airports Ontario
Railways UPPR
Waterways
Schools Center ES
Land Use PLU: US Post Office, vacant land, abandoned structures;
GPD: Historic Planned Commercial
Z: Specific Plan

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

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 8; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Public Utilities Commission

Date Received 03/01/2011 **Start of Review** 03/01/2011 **End of Review** 04/14/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Section 11.0: Response to Comments

Annesley Ignatius
San Bernardino County Department of Public Works
April 18, 2011

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. "BOB" BOWMAN, P.E., P.L.S.
Director of Public Works

April 18, 2011

File: 10(ENV)-4.01

Mr. Richard Ayala
City of Ontario, Planning Department
200 North Cherry Avenue
Ontario, CA 91764

RE: NOTICE OF AVAILABILITY OF DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
(DSEIR) FOR GUASTI PLAZA SPECIFIC PLAN AMENDMENT

Dear Mr. Ayala:

Thank you for giving the San Bernardino County Department of Public Works (Department) the opportunity to comment on the above-referenced project. The environmental document was circulated to other Divisions within our Department and the following are their comments:

Environmental Management Division (Brandy Wood, Ecological Resource Specialist (909) 387-7971):

1. Section 4.9 Biological Resources and Table 4.9-3 Wildlife Species indicate that Antelope Ground Squirrel (*Ammospermophilus leucurus*) occurs within the project site. The habitat and range of the Antelope Ground squirrel consists of Alkali sink and Creosote bush scrub in the California deserts. While it was probably California ground squirrel (*Otospermophilus beecheyi*) that was observed, it is important to correctly identify all impacts of the project during the EIR process.

Water Resources Division (Kevin Blakeslee, P.E., Deputy Director (909) 387-7919):

1. In general, it appears that the DSEIR has identified the major concerns of the Flood Control District (District). However, the District's recommendations are most often made for site specific conditions. Consequently, the recommendations made here are general in nature until such time as more detailed plans become available.
2. We recommend that the City of Ontario (City) establish adequate provisions for intercepting and conducting the accumulated drainage around or through all construction sites in a manner which will not adversely affect adjacent or downstream properties.
3. We recommend that the most current FEMA regulations, for construction within established floodplains, be enforced by the City.

If you have any questions or require additional information, please contact the specific individuals who provided that specific comment, as listed above.

Sincerely,

ANNESLEY IGNATIUS, P.E.
Deputy Director – Land Use Development

ARI:EH:mb/CEQA Comments to SEIR_Ontario Guasti Plaza Specific Pln Amdt.doc

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APR 27 2011

City of Ontario
Planning Department

G1

G1 Response: References to the Antelope Ground Squirrel have been revised to state "Antelope Ground Squirrel/California Ground Squirrel" in Section 4.9, Biological Resources.

G2 Response: Comment noted.

G2

G3 Response: Sections 4.8 and 4.12 of the SEIR include standard conditions and mitigation measures to ensure that adequate on-site and off-site storm drainage is provided as part of future development.

G3

G4 Response: Future development on the site shall be required to follow the most recent FEMA regulations.

G4

GREGORY C. DEVEREAUX
County Administrative Officer

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

Section 11.0: Response to Comments

11.3 CHANGES TO THE DRAFT SEIR

Based on the comments and responses to comments, changes have been made to the text of the Draft SEIR as referenced in the applicable response(s) to comments and responses. These changes merely clarify or amplify the existing analysis in the SEIR or add a mitigation measure to the proposed Amendment. No major changes to the Draft SEIR have been made nor have changes to the significance conclusions of the environmental analysis occurred.

- ❖ The titles of Figures 4.4-1 and 4.4.2 have been revised to include the year of the traffic counts (2005) and Figure 4.4-3 has been revised to change the title to Proposed Roadway Circulation at Buildout.
- ❖ References to Tier 1 in the Health Risk Assessment referenced in Section 4.5, Air Quality, have been revised to Tier 2.
- ❖ The second column of Table 4.5-8 in Section 4.5, Air Quality, has been revised to show:

Enhanced Indoor (80% reduction)	290
Average Exposure *	292

- ❖ The bullets under Mitigation Measure 4.5.1a have been revised to state:

Mitigation Measure 4.5.1a: The applicant shall submit a comprehensive dust and erosion control plan to the City Building Official, as required by Ordinance No. 2548. This plan shall conform to SCAQMD Rule 403 and include the following Best Available Control Measures (BACMs) that shall be implemented during construction:

- *Apply water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout.*
- *Use a gravel apron, 25 feet long by road width, to reduce mud/dirt trackout from unpaved truck exit routes.*
- *Apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition.*
- *Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.*
- *Prohibit demolition activities when wind speeds exceed 25 mph.*
- *Apply water every 3 hours to disturbed areas within a construction site.*
- *Require minimum soil moisture of 12% for earthmoving by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe.*
- *Limit on-site vehicle speeds (on unpaved roads) to 15 mph by radar enforcement.*
- *Replace ground cover in disturbed areas as quickly as possible.*
- *All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches.*

- ❖ A new mitigation measure has been added into Section 4.6, Noise, to read:

Section 11.0: Response to Comments

Mitigation Measure 4.6.1d: The property owner shall provide an avigation easement for aircraft noise to the Ontario International Airport, to be recorded against the property, prior to the occupancy of the dwelling units.

- ❖ In Section 4.9, Biological Resources, references to the Antelope Ground Squirrel have been revised to state “Antelope Ground Squirrel/California Ground Squirrel”.
- ❖ In addition, a number of typographical errors have been corrected in the document. These changes do not change any of the analysis or conclusions of the SEIR.
- ❖ Changes have also been made to delete references to the document as a Draft SEIR and to include the new Section 11.0, *Response to Comments*.

As indicated earlier, these changes clarify and/or update the discussion in the SEIR or refine/add a mitigation measure but do not alter the analysis or conclusions in the document.