



MEMORANDUM

TO: County of San Bernardino

FROM: Tracy Zinn, Principal, T&B Planning, Inc.

DATE: September 29, 2020

RE: **Responses - Church of the Woods Appeal; SCH No. 2004031114**

As the California Environmental Quality Act (CEQA) consulting firm that was retained by the County to prepare the Draft Revised Environmental Impact Report (Draft REIR) and Final EIR for the Church of the Woods (COTW) project, T&B Planning, Inc. herein supplies responses to the three (3) comment letters submitted to the County Board of Supervisors in relation to the Appeal. Accompanying this response memorandum is a copy of the comment letters. Each comment letter is assigned a letter (A, B, and C) and each comment is bracketed and numbered.

Letter A - Kamman Hydrology & Engineering, Inc

A-1:

The commenter notes that he was retained by Shute, Mihaly, & Weinberger LLP to review and evaluate the Final Environmental Impact Report (EIR) prepared for the COTW Project ("Project"). The commenter accurately notes in a footnote that the County placed a Condition of Approval (COA) on the COTW Project that restricts the Project from being implemented until after the San Bernardino County Flood Control District's Rimforest Storm Drain project (RSDP) is in place. These comments are noted. The commenter also asks about the status of the RSDP and its construction permits. At the time this response was prepared, no construction permits have yet been issued for the RSDP.

A-2:

The commenter reiterates the same six comments that he submitted on the COTW Draft REIR and expresses dissatisfaction with the County's responses to five of the six comments contained in the COTW Final EIR. The commenter's prior comment letter appears as Final EIR Comment Letter 10, Attachment C (COTW Final EIR pp. Final EIR-138 to 150). The County's responses thereto are presented as Final EIR Responses 10C-1 through 10C-8 (COTW Final EIR pp. Final EIR-174 to 176). The responses comply with CEQA and are based on expert opinion and substantial evidence. Also refer to Responses A-5 through A-8, below, which provide additional evidence to support the County's responses.

A-3:

The commenter introduces his contention that the COTW Project will impact state and federal jurisdictional waters and reduce groundwater recharge. These contentions are inaccurate as explained in the COTW Final EIR and below in Responses A-5 through A-8.

A-4:

The commenter states that the jurisdictional delineation prepared for the COTW Project is consistent with the jurisdictional delineation prepared for the County's RSDP. The County agrees, and this comment is noted.

A-5:

The commenter quotes a mitigation measure contained in the RSDP EIR pertaining to the RSDP's impacts to jurisdictional waters and wetlands. The comment is relevant to the COTW Project because the San Bernardino County Flood Control District has plans to install a 72-inch subsurface storm drain through a portion of the COTW Project site. The RSDP was subject to an independent CEQA review and the EIR (SCH No. 2015051070) was certified by the County Board of Supervisors on May 23, 2017. The commenter's citation of the RSDP EIR's Mitigation Measure BIO-1c is noted.

A-6:

The commenter claims that mitigation for the RSDP will result in the presence of jurisdictional waters in the COTW Project impact footprint. As background, the San Bernardino County Flood Control District has plans to install a 72-inch subsurface storm drain through a portion of the COTW Project site. As noted in the COTW Draft Revised EIR (REIR), the RSDP is expected to impact and mitigate for the loss of approximately 0.05-acre of non-wetland waters under U.S. Army Corps of Engineers and Regional Water Quality Control Board (RWQCB) jurisdiction and approximately 0.10-acre of streambed/riparian waters under California Department of Fish and Wildlife (CDFW) jurisdiction that are located within the COTW Project site (COTW DEIR, p. C.3-7). To ensure that the COTW Project does not impact the existing jurisdictional features prior to the RSDP impacting and mitigating for the loss of these features, the County placed Condition of Approval (COA) No. 37 on the COTW Project, which requires that the components of the RSDP that would materially affect either the COTW Project or property be in place prior to implementation of the COTW Project.

The commenter refers to Mitigation Measure BIO-1c from the RSDP EIR, which states that the County will prepare and implement an Ecological Restoration Plan approved by the CDFW to mitigate temporary and permanent impacts to jurisdictional waters and wetlands caused by the RSDP. The commenter contends that if the Ecological Restoration Plan calls for the restoration of jurisdictional waters in the COTW disturbance footprint, then the COTW Project would subsequently impact those areas, thereby creating a significant impact. If this were to occur, the commenter would be correct. However, it is not the County's intent to restore jurisdictional waters or wetlands in an area planned for disturbance by the COTW Project; this will be reflected in the Ecological Restoration Plan for the RSDP at the time it is prepared and approved.

Because the RSDP's Ecological Restoration Plan has not yet been prepared and approved and thus cannot be cited as evidence, the County will add an additional COA that prohibits COTW Project-related disturbance in the existing jurisdictional areas until documentation is provided to the County's Planning Department showing that the Flood Control District's RSDP has impacted/removed the jurisdiction and mitigated for the impacts outside of the COTW's impact footprint.

A-7:

The commenter states that the COTW Project site contains an active groundwater spring that sustains a perennial creek flow and provides an unsubstantiated opinion that the COTW Project may substantially interfere with groundwater recharge. The responses to this comment provided in the COTW Final EIR remain accurate (refer to Final EIR Responses 10-50, 10-56, 10C-4, 10-C-6, and W; COTW Final EIR pp. Final EIR-165, 167, 175, 176, 428, and 429). Also, as presented in an Engineering Geology and Soils Engineering Investigation performed at the Project site in 2001 by LOR Geotechnical Group, Inc., the COTW property is underlain by granitic bedrock overlain by a thick layer of colluvial and topsoil materials (LOR, 2001, pp. 7-8; Draft REIR Technical Appendix D1). There was no groundwater observed in the borings (LOR, 2001). Also, a groundwater well was abandoned at this location by the Big Bear Municipal Water District due to lack of water flow (COTW DEIR, p. 2-13). As reported by LOR, granitic bedrock underlying the site is covered by a layer of organic topsoil averaging between 1 to 3 feet. Weathered bedrock (3 to 7 feet) is underlain by less fractured bedrock (7 to 15 feet – total depth of excavation). As such, the underlying bedrock is not as conducive to groundwater infiltration as one might expect because the bedrock is not weathered enough to provide the required conduit for groundwater flow. The Project location subgrade bedrock is not conducive to infiltration and groundwater flow. The commenter provides no supporting evidence that the COTW Project would substantially interfere with groundwater recharge. Further, the COTW Project site is located at the top of the Little Bear Creek watershed and is 9.4 acres out of a total 968-acre watershed, or 0.97% of the watershed. Downstream of the Project site, the Little Bear Creek flows through multiple public and private properties, through Blue Jay and then to Lake Arrowhead. Although impacts to groundwater recharge would be less than significant and mitigation is not required, the County will add a COA to the Project that requires Low Impact Development (LID) design features as part of the COTW Project's final design; examples of these features include directing roof drains to landscaped areas designed for low flow retention, using landscape areas for water quality and runoff management, and maximizing permeable surfaces to allow for low flows and snow melt to stay on-site and infiltrate into the ground. The addition of this COA ensures that the County will review and ensure the installation of enhanced LID features during the Project's building permit process.

A-8:

The commenter provides exhibits to explain his opinion that the COTW Project may substantially interfere with groundwater recharge and perennial creek flow, and speculates that the proposed athletic field may not infiltrate water. As previously noted in Response A-7, the spring referenced by the commenter is at the upper end of a 968-acre watershed. The commenter presents, on his Figure 4, an area above the spring location that he considers as the infiltration source for the spring. As stated in Response A -7, LOR documented that the local shallow bedrock in this area is not conducive to infiltration and groundwater flow. The area delineated by the commenter also includes Highway 18.

The commenter states that in his experience “athletic fields are typically constructed with subdrain systems that accelerate drainage off the field and into storm drains to alleviate saturated conditions and ponding.” It is clarified here that this proposed athletic field will not be built as the commenter describes. It is planned to be a simple, open field. The County will add a COA to the Project that requires the athletic field to be designed to manage infiltration and smaller rain events on-site. Only larger rain events will discharge off-site, as they do now, and into the RFSD when it is built.

A-9:

The commenter provides his contact information, which the County notes.

Letter B - Shute, Mihaly, & Weinberger

B-1:

The commenter identifies themselves as representing Save Our Forest Association and Sierra Club – San Bernardino Mountains Group. The County acknowledges the commenter's clients. No further response is required.

B-2:

The commenter makes a broad assertion that the COTW Final EIR fails to comply with the requirements of CEQA. The County respectfully disagrees, as the COTW Final EIR was prepared in compliance with State CEQA Guidelines Section 15132, which describes the requirements of a Final EIR. This comment does not identify any specific deficiencies in the County's responses to the commenter's comments provided within the Final EIR. Refer to Final EIR Responses to Comments 10-1 through 10C-11 (COTW Final EIR pp. Final EIR-103 to 176). No further response is required.

B-3:

The commenter makes broad and unsubstantiated assertions that the Final EIR does not adequately respond to comments submitted on the Draft REIR, fails to provide an adequate project description, fails to adopt feasible mitigation measures, and fails to adopt a reasonable range of alternatives. The Final EIR provides written responses to 212 comment letters received on the Draft REIR, and each substantive technical response is backed by expert opinion and substantial evidence as warranted. The COTW Draft REIR provides a stable and accurate project description, as discussed below in Response B-6. The Draft REIR identifies feasible mitigation measures for the Project's significant impacts; the County considered additional mitigation measures suggested in the Draft REIR comment letters but many of the suggested measures could not be applied because CEQA Guidelines Section 15091 provides that mitigation measures must be within the responsibility and jurisdiction of the lead agency and have a proportional nexus to the Project's impact on the environment. The Draft REIR identifies eight mitigation measures that the County will impose on the Project. As a result of the Final EIR response to comments process, the County added four mitigation measures and omitted one mitigation measure, for a total of 11 mitigation measures, in addition to required mandatory compliance with all federal, State, and local laws and regulations applicable to the Project that address environmental protection, and in addition to the design features that have been incorporated and reductions in Project footprint that have occurred since the Project was first proposed in 2003 (refer to Draft REIR Section 0.1, p. 0-1). Lastly, the County respectfully disagrees with the commenter's opinion that the Final EIR does not include a reasonable range of alternatives. As explained in Final EIR Response 10-70, Draft REIR Section 4.0, *Alternatives*, provides analysis of three Project alternatives, and commenter fails to provide any other feasible alternatives that would reduce the Project's impacts. The commenter also fails to acknowledge that the Project's design has been substantially scaled back in scope multiple times compared to the design first proposed in 2003.

B-4:

The commenter erroneously claims that the COTW's proposed land uses are not permitted and are in conflict with the County's Development Code, County's General Plan, and Lake Arrowhead Community Plan. This comment is similar to Final EIR Comment 10-7. Refer to Final EIR Response 10-7. The Project site is zoned Community Industrial (IC) by the County's Development Code and "Places of Worship" are conditionally permitted with the County's approval of a Conditional Use Permit (CUP). The Project Applicant is proposing a CUP and the CUP is the only discretionary approval required by the County of San Bernardino to implement the Project. The County determined that the proposed athletic field is an accessory use to the primary use of the site as a Place of Worship. Accessory use is defined in the County's Development Code Section 84.01.020(d) as follows:

(d) Determination of Accessory Uses. In addition to the accessory uses specifically provided for by this Chapter or elsewhere within this Development Code, each land use shall be deemed to include other accessory uses that are necessarily and customarily associated with and are clearly incidental and subordinate to the primary land use. Whenever the accessory uses are questioned, the director shall be responsible for determining if a proposed accessory use meets the criteria in this chapter. Before making a determination, the director shall give notice to contiguous property owners in compliance with Section 85.02.030 (Staff Review with Notice).

The County's consideration of the proposed athletic field as an accessory use to the proposed Place of Worship use is an inherent part of the Project's CUP application. Regarding Project consistency with the County's General Plan and Lake Arrowhead Community Plan, as part of the environmental analysis the County has found the Project to be consistent with exception that the Project would result in significant and unavoidable impacts with General Plan Policy M/CI 1.1 ("the County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS C during non-peak hours or below LOS D during peak-hours in the Mountain Region") and Lake Arrowhead Community Plan Policy LA/CI 1.1 ("ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS "C" during non-peak hours or below LOS "D" during peak-hours") related to the Project's contribution to deficient levels of service (congestion) at nearby intersections. The environmental analysis is based on the fact that, although Mitigation Measure MM 3.I-2 is imposed to ensure the Project complies with Policies M/CI 1.1 and LA/CI 1.1, the County cannot require the improvements on segments of a roadway outside the County's jurisdiction.

Regarding general plan consistency under planning and zoning law, according to Chapter 9 of the California Office of Planning and Research's 2017 General Plan Guidelines, a general rule for consistency determinations can be stated as follows: *An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and will not inhibit or obstruct their attainment.*¹ There does not need to be an exact match between a proposed land use decision and applicable general plan; the decision only need be compatible, or reasonably consistent with the objectives, policies, and general land use, and programs specific in the applicable plan. Because the policies in the General Plan reflect a range of competing interests, the local agency must be allowed to weigh and balance the plan's policies, and it has broad discretion to construe the policies considering the plan's purpose.

¹ https://www.opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf

The nature of a policy and the nature of an inconsistency are also critical factors to consider. A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear. Here, the purpose of the County's circulation and infrastructure element set forth strategies to support the production of a circulation and infrastructure system consistent with the overall vision specified for the County. The General Plan recognizes that over 10,000 miles of roadways are located within San Bernardino County and that these facilities fall under the jurisdiction of one of three different governmental agencies responsible for construction and maintenance of roadway infrastructure. Of note, the General Plan identifies that the California Department of Transportation (Caltrans) is responsible for maintaining approximately 1, 240 miles of roadway throughout the County.

In light of the multi-jurisdictional regulatory authority, the circulation and infrastructure element identify multiple policies with flexible design criteria for the County to weigh and consider in order to ensure a safe and effective transportation system. Requiring perfect consistency with Policies M/CI 1.1 and LA/CI 1.1 where the County may impose but is unable to enforce mitigation measures could prevent many, if not all, projects along the 1, 240 miles of roadway maintained by Caltrans. Thus, it is reasonable to conclude that the General Plan allows the County to weigh and balance the circulation and infrastructure policies and to construe them in light of the general purpose of the General Plan.

B-5:

The commenter claims that the Final EIR is inadequate and refers to several previously-provided comment letters. This comment does not identify any specific deficiencies in the responses to comments provided with the Final EIR. No further response is required.

B-6:

The commenter states that the public was not given a sufficient amount of time to review the County's responses to public comment and the Final EIR prior to the Planning Commission hearing. According to State CEQA Guidelines Section 21092.5, the Lead Agency is required to provide written responses to a public agency on comments made by that agency at least 10 days prior to EIR certification. The Final EIR was made available to the public on January 10, 2020, and the County's Planning Commission hearing took place on January 23, 2020. The County provided 13 calendar days for public review of the Final EIR; therefore, the County complied with State CEQA Guidelines Section 21092.5.

B-7:

The commenter broadly claims that the Draft REIR did not contain an accurate, complete, and stable project description. To the contrary, the Draft REIR contains a detailed project description in Draft REIR Section 2.0, *Project Description*, which includes all of the information required of a project description by State CEQA Guidelines Section 15124, including: depictions of the project's location in a topographical map and a regional map; a statement of objectives for the proposed project; a general description of the project's technical, economic, and environmental characteristics; a brief statement pertaining to the EIR's purpose; and all of the decisions the Lead Agency must make related to the project.

B-8:

The commenter falsely claims that the Final EIR fails to provide a stable description of the COTW Project's relationship with the County's RSDP. The relationship is clear, as documented in the Final EIR. As explained above in Response A-6, the County Flood Control District plans to install a segment of the RSDP through the COTW Project site. After the RSDP is installed, the COTW Project can be constructed and will connect to the storm drain. The County placed COA No. 37 on the COTW Project prohibiting construction of the Project until all components of the RSDP are in place on which the COTW Project depends as part of its stormwater drainage system. There is no ambiguity as the commenter claims.

B-9:

The commenter claims that the Final EIR does not address the Project's environmental impacts that are implicated by the County's RSDP. To the contrary, the County has provided extreme clarity in the Final EIR regarding the sequence of the two projects and the responsibilities for mitigation of impacts. The RSDP will be implemented first and to assure that this occurs, the County placed COA No. 37 on the COTW Project that requires the components of the RSDP to be in place that materially affect the COTW Project or property prior to implementation of the COTW Project. Additionally, as explained above in Response A-6, the County will add a COA that prohibits COTW Project-related disturbance in the existing jurisdictional areas on the COTW property that will be impacted by the RSDP until documentation is provided to the County's Planning Department showing that the County Flood Control District's RSDP has impacted/removed the jurisdiction and mitigated for the impacts outside of the COTW Project's impact footprint. There is no ambiguity regarding the sequence of the two projects or the responsibilities of the RSDP and COTW for mitigation.

B-10:

The commenter identifies COA No. 37 and raises concerns regarding the sentence "As an alternative, the development and grading plans shall be revised to not rely on the RSDP." To clarify, if the Project were to be revised to not rely on the RSDP, such revisions would require subsequent County approval and trigger additional review under CEQA. COA No. 37 will be revised to clarify that any associated substantive revisions will require subsequent evaluation as required by CEQA.

B-11:

The commenter requests that the County determine the timing of the RSDP in relation to the COTW Project and recirculate the Draft REIR for public review and comment. As stated above in Response B-9, the County has provided extreme clarity in the Final EIR regarding the sequence of the two projects and the responsibilities for mitigation of impacts. The RSDP will be implemented first and to assure that this occurs, the County placed COA No. 37 on the COTW Project that requires the components of the RSDP to be in place that materially affect the COTW Project or property prior to implementation of the COTW Project.

B-12:

The commenter states that the Draft REIR's project description fails to disclose the special events that could take place at the project site and fails to evaluate the foreseeable effects these events would have on the environment. The commenter is incorrect. Section 2.0, *Project Description*, of the COTW Draft REIR meets all of the requirements identified in CEQA Guidelines Section 15124 and was prepared at a level of detail sufficient to evaluate the Project's environmental impacts. Table 2-4, *Church of the Woods Operational Activities*, provides a list of reasonably foreseeable scheduled events and event times that are anticipated to be

held at the Project site. Table 2-4 contains enough information to allow a complete evaluation and review of potential environmental impacts associated with the Project's operation. As for events such as weddings and funerals that would occur periodically, the participant numbers at such events would not be substantially different than the scheduled events listed in Table 2-4. All events would be required to adhere to the County's exterior noise standards.

B-13:

The commenter opines that the Draft RDEIR's evaluation of aesthetic impacts was inadequate because it did not include a rendering of the Project's proposed building architecture. This comment is similar to Final EIR Comment 10-18. Refer to Response 10-18 (COTW Final EIR, p. FEIR-155), which explains that the Draft REIR assumed that the building would be constructed to the maximum height permitted by the County's Development Code, which is 45 feet in the IC Zone (County Development Code Table 82-20A "IC and IR Land Use Zoning District Development Standards, Mountain Region) and comply with all other Development Code requirements. In response to this comment B-13, the illustration provided below was supplied from the COTW Project Applicant. Also, the building would be minimally visible from public viewing areas as shown by Draft RDEIR Figures 3.A-3, 3, and 4 (COTW DEIR pp. 3.A-13, 14, and 15). The provision of this architectural rendering does not change the conclusions of the Final EIR. The provision of this rendering is not significant new information and does not otherwise meet the requirements of CEQA Guidelines § 15088.5. Therefore, recirculation of the Draft REIR is not required for addition of the rendering.



CHURCH OF THE WOODS ENTRY | LAKE ARROWHEAD, CA | AUGUST 18, 2020

JOSEFINE FABRICIUS DESIGN
josefinefabricius@gmail.com

A-1

B-14:

The commenter contends that the Project has the potential to impact jurisdictional waters, wetlands, and riparian habitat and cites a review conducted by Kamman. As stated in Comment A-4, Kamman acknowledges, and the County agrees, that the jurisdictional delineation prepared for the COTW Project is consistent with the jurisdictional delineation prepared for the County's RSDP. As shown in these jurisdictional delineations attached to Comment Letter A, the only jurisdictional areas present in the COTW property overlap with the impact area for the RSDP. As explained in Final EIR Response 10C-3, and supplemented by Response A-6 above, following completion of the RSDP, there will no longer be any jurisdictional waters or wetlands on the Project site that could be impacted by the COTW Project.

B-15:

The commenter continues its contention that the Project will impact jurisdictional waters and wetlands, and refers to Kamann's comments. Please refer above to Responses A-6 and A-7 to Kamman's comments, which explain that the County has assured through COAs that the COTW Project will not be implemented until the components of the RSDP that would materially affect either the COTW Project or property are in place and the RSDP has mitigated its impacts to jurisdictional areas outside of the COTW impact footprint. After implementation of the RSDP, no jurisdictional waters or wetlands will occur in the COTW Project's impact footprint and thus the proposed COTW Project has no potential to impact jurisdictional waters or wetlands.

B-16:

The commenter continues its contention that the Project will impact jurisdictional waters and wetlands, and refers to Comment A-6 made by Kamman. Please refer above to Response A-6 to Kamman's comments, which explains that the County has assured through COAs that the COTW Project will not be implemented until the components of the RSDP that would materially affect either the COTW Project or property are in place and the RSDP has mitigated its impacts off-site. After implementation of the RSDP, no jurisdictional waters or wetlands will occur within the COTW Project's impact footprint and thus the proposed COTW Project has no potential to impact jurisdictional waters or wetlands.

B-17:

The commenter identifies COA No. 37 and raises concerns regarding the sentence "As an alternative, the development and grading plans shall be revised to not rely on the RSDP." To clarify, if the Project were to be revised to not rely on the RSDP, such revisions would require subsequent County approval and trigger additional review under CEQA. COA No. 37 will be revised to clarify that any associated substantive revisions will require subsequent evaluation as required by CEQA.

B-18:

The commenter repeats comments submitted on the Draft REIR to which the County responded to as part of the Final EIR. As noted in Responses 7-8, 7-9, 7-10, 7-13, and 10-54, 10-58, 10-59.A, 10-61, and G (COTW Final EIR, pp. FEIR-68 to 71, 166 to 171, and 422), the commenter's claims are not accurate. The use of habitat suitability assessments for sensitive species and assumed presence of the species where suitable habitat is present with a moderate to high likelihood of the species to occur is a method routinely used by professional biologists to determine impacts to wildlife species and is often used by the California Department of Fish and Wildlife (CDFW) to develop mitigation when mitigation is warranted. This same approach was used to analyze impacts and develop mitigation for the Southern Rubber Boa (SRB) in consultation with CDFW for the nearby

SkyPark at Santa's Village Project, which is a more recent project (2017) in the same habitat range than is the Hawarden project (2007) referenced by the commenter for comparison purposes. The CDFW was provided a copy of the COTW Draft REIR and chose not to comment. Mitigation for the Project's impacts, which at a minimum will consist of onsite permanent conservation as detailed in Draft REIR Mitigation Measure MM 3.C1(b), will be determined through the Project's Incidental Take Permit (ITP) process in coordination with the CDFW. ITPs allow a permittee to take a CESA-listed species if such taking is incidental to carrying out an otherwise lawful activity (such as development of the COTW Project). ITPs are commonly issued for construction projects and permittees must implement species-specific minimization and avoidance measures, and fully mitigate impacts to the satisfaction of the CDFW (Fish & Game Code § 2081(b); Cal. Code Regs., tit. 14, §§ 783.2-783.8). It is not within the purview of San Bernardino County to determine the exact mitigation requirements that will be imposed by other authoritative agencies, such as the CDFW. Mitigation Measure MM 3.C1(b) required by the COTW Final EIR is sufficient in the County's judgement, based on the expert opinions of the Project's professional biologists, to sufficiently mitigate the Project's impacts to sensitive species below a level of significance. It is within CDFW's authority to require comparable or additional mitigation as part of their ITP permitting process.

B-19:

The commenter continues to insist that focused surveys for the SRB must be conducted, even though Responses 7-8, 7-9, 7-10, and 7-13 explain in detail why focused surveys are not necessary (COTW Final EIR, pp. FEIR-68 to 71). In summary, the SRB is an extremely secretive species that seldom emerges into open habitat where it can be seen. Instead of expending resources to survey for a species that is difficult to detect even if it present, assumed presence of the species based on the presence of suitable habitat allows the CEQA Lead Agency (the County of San Bernardino) to determine mitigation. Thus, mitigation will occur regardless of whether the SRB is actually present in the Project's impact footprint or not. Appropriate mitigation for the Project's impacts will at minimum consist of onsite permanent conservation as detailed in Mitigation Measure MM 3.C1(b). It is within CDFW's authority to require comparable or additional mitigation as part of their ITP permitting process.

B-20:

The commenter questions how the amount of SRB habitat was determined. Page 3.C-20 of the Draft REIR indicates that a habitat suitability assessment was conducted by Leatherman BioConsulting, Inc. Draft REIR Technical Appendix C, p. 20, indicates that the biologist was Mr. Brain Leatherman, who is a wildlife biologist with 25+ years of experience including extensive specific experience conducting habitat assessments and focused surveys for SRB in the San Bernardino Mountains. Credentials are available on the company's website at <https://leathermanbio.com>.

B-21:

The commenter questions the effectiveness of Mitigation Measure MM-3.C1(a) (pre-construction surveys for sensitive species) for species that are difficult to detect. Mitigation Measure MM-3.C1(a) is an extra layer of protection for species that are detectable prior to the commencement of construction activities, and is not relied upon to fully mitigate impacts to sensitive species. For clarification, Mitigation Measure MM 3.C1(b) is sufficient in the County's judgement, based on the expert opinions of the Project's professional biologists, to

sufficiently mitigate the Project's direct impacts to sensitive species below a level of significance. Comparable or additional mitigation may be imposed by the CDFW as part of their ITP permitting process.

B-22:

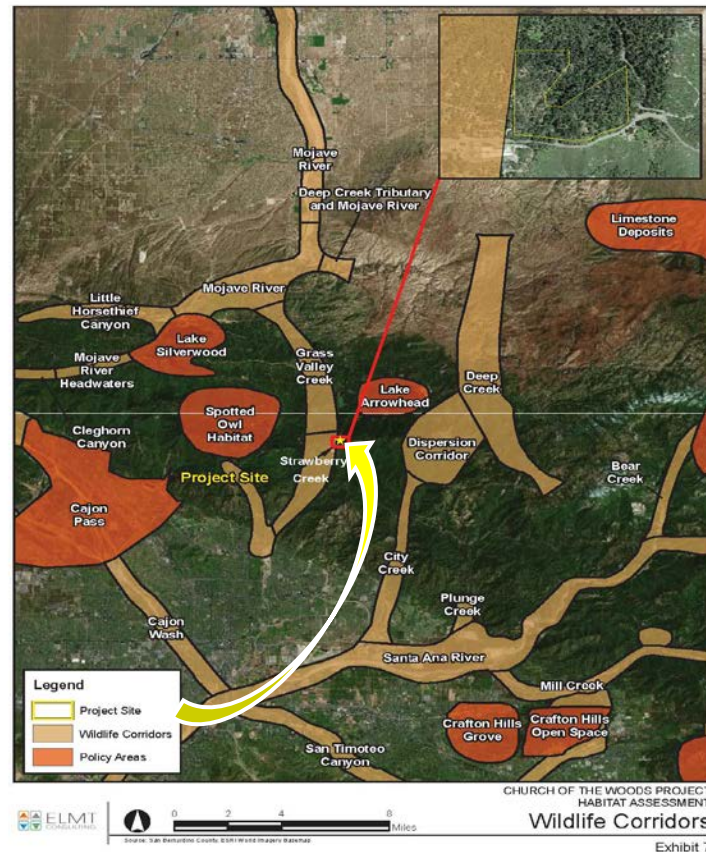
The commenter claims that Mitigation Measure MM-3.C1(b) is deficient to mitigate impacts to SRB and again asserts that the CDFW requires focused surveys be conducted for SRB. As explained in Final EIR Responses 7-8, 7-9, 7-10, 7-13, and 10-54, 10-58, 10-59.A, 10-61, and G (COTW Final EIR, pp. FEIR-68 to 71, 166 to 171, and 422), the commenter's claims are not accurate. Mitigation for the Project's impacts will at minimum consist of onsite permanent conservation as detailed in Draft REIR Mitigation Measure MM 3.C1(b). It is not within the purview of San Bernardino County to determine the exact mitigation requirements that will be imposed by other authoritative agencies, such as the CDFW. Mitigation Measure MM 3.C1(b) required by the COTW Final EIR is sufficient in the County's judgement, based on the expert opinions of the Project's professional biologists, to sufficiently mitigate the Project's impacts to sensitive species below a level of significance. It is within CDFW's authority to require comparable or additional mitigation as part of their ITP permitting process.

B-23:

The commenter repeats comments submitted on the Draft REIR asserting that the methodology used to determine suitability of habitat for SRB should not be used for other sensitive species such as the California Spotted Owl (CSO) and San Bernardino Flying Squirrel (SBFS). Refer to Final EIR Responses 7-10, 7-21, 10-58, 10-60, 10-61, 10-64, and G (COTW Final EIR, pp. FEIR-70, 166 to 171, and 422). Mitigation for one species benefits other species. This same approach was used to analyze impacts and develop mitigation for SRB, CSO, and SBFS with the CDFW for the nearby SkyPark at Santa's Village Project and is formally documented in the Santa Village's CDFW-approved CESA 2081 application and permit. Mitigation Measure MM 3.C1(b) required by the COTW Final EIR is sufficient in the County's judgement, based on the expert opinions of the Project's professional biologists, to sufficiently mitigate the Project's impacts to sensitive species below a level of significance. It is within CDFW's authority to require comparable or additional mitigation as part of their ITP permitting process.

B-24:

The commenter repeats comments submitted on the Draft REIR and claims that the Final EIR fails to resolve the Project's deficiencies that relate to wildlife corridors, citing comments by Steve Loe. The County disagrees. As explained in Final EIR Responses 10-55 and 10-59 (COTW Final EIR, pp. FEIR-167 and 168), and Draft REIR p. 3.C-23, and supported by substantial evidence contained in Draft REIR Technical Appendix C (Sections 4.5 and 5.4 and Exhibit 7), the Strawberry Creek wildlife corridor is located off-site to the west and does not fall within the COTW property. A copy of Exhibit 7, *Wildlife Corridors*, from the Project's Habitat Assessment is provided with this response (see image below) and shows that the COTW Project site is located to the east of the wildlife corridor.



B-25:

The commenter repeats a comment submitted on the Draft REIR about indirect impacts to wildlife and asserts that the Final EIR did not provide an adequate response. The County disagrees. Refer to Final EIR Responses 10-59 to 10-59.D (COTW Final EIR, pp. FEIR-168 and 169), which are based on substantial evidence and expert opinion and conclude that the Project's indirect impacts on biological resources would be less than significant.

B-26:

The commenter correctly states that the Final EIR does not include a quantified analysis of the cumulative loss of sensitive species and their habitats. Such a quantification is not required. Draft REIR Section 3.1.1, *Scope of Cumulative Effects Analysis*, describes the two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis, and indicates that the evaluation of impacts to biological resources is based on a summary of projections approach, relying on buildout of the cumulative study area as evaluated in the General Plan EIR prepared for San Bernardino County (SCH No. 2005101038). The 11 projects noted by the commenter were used only for the analyses of transportation impacts and vehicular-related air quality, greenhouse gas, and noise impacts, and were not used as the basis of the Draft REIR's conclusions for cumulative effects to sensitive wildlife species. The County's approach to the analysis was proper because an EIR's assessment of environmental effects need not be exhaustive and need only provide sufficient information

and analysis to allow the public and other agencies to discern the basis for the Lead Agency's impact finding. In the case of cumulative effects to SRB, CSO, and SBFS, the County's basis for concluding that the Project's impacts are cumulatively considerable is based on the fact that the County General Plan designates land for future development that contains habitat for SRB, SCO, and SBFS, and the Project's direct loss of habitat will contribute to Countywide habitat reductions, even though the Project's direct impacts can be mitigated to less than significant. Also refer to Final REIR Responses 10-64 and 10-65 (COTW Final EIR, pp. 171 and 172).

B-27:

The commenter asserts that the Draft REIR failed to conduct an adequate cumulative analysis for sensitive natural communities, riparian habitats, wetlands, and jurisdictional waters. Refer to Response B-26 and Final REIR Responses 10-64 and 10-65 (COTW Final EIR, pp. 171 and 172). The cumulative effects analyses for these topic areas was properly based on a summary of projections approach.

B-28:

The commenter asserts that the Draft REIR failed to adequately analyze the cumulative impacts from the COTW Project and the RSDP in relation to hydrology, geology, and biology. Refer to Response B-26 regarding the analysis of biology. Regarding hydrology and geology, the County's RSDP entails the installation of a 72-inch storm drain to address erosion in the area and the RSDP will be in place before the COTW Project is constructed. Page 3.D-16 of the Draft REIR states that, except for erosion hazards, potential geologic and soil effects are restricted to the areas proposed for development and, therefore, would not contribute to cumulative impacts associated with other existing, planned, or proposed development. There is no evidence within the public record to support the commenter's claim that the COTW Project would result in cumulatively considerable effects to hydrology or geology when considered with the RSDP.

B-29:

The commenter asserts that the Final EIR fails to adequately analyze the Project's weekday traffic impacts and mitigate traffic impacts. Consistent with the San Bernardino County Transportation Authority's Guidelines for CMP Traffic Impact Analysis Reports in San Bernardino County, 2016 Update, a memoranda of understanding (MOU) was submitted to the County of San Bernardino and Caltrans prior to the start of the COTW traffic analysis. The MOU outlined the scope of work which included the COTW Project's trip generation, trip distribution, and trip assignment, and other analysis parameters that would be used in the analysis. The scope of work was approved by both the County of San Bernardino and Caltrans prior to the start of the analysis.

Furthermore, the trip generation for weekday evening activities was calculated using rates for the weekday a.m. and p.m. peak hour of generators for a church. ITE's Trip Generation Manual (10th Edition) defines the peak hour of generator as the hour of highest volume of traffic entering and exiting the site during the a.m. or p.m. on a weekday and may or may not coincide with the peak hour of the adjacent street traffic. The Project's weekday trip generation using rates for the peak hour of generator are shown below. As shown, the trip generation for a 600-seat church and soccer field would generate 14 a.m. peak hour of generator trips and 41 p.m. peak hour of generator trips based on rates from ITE's Trip Generation Manual (10th Edition).

Project Trip Generation (Peak Hour of Generator)

Land Use	Units	AM			PM			Daily
		In	Out	Total	In	Out	Total	
Soccer Complex	1	Field ¹						
Trip Generation Rates ²		0.938	0.832	1.77	7.943	8.957	16.900	71.330
PCE Inbound/Outbound Splits		53%	47%	100%	47%	53%	100%	50%/50%
Trip Generation		1	1	2	8	9	17	71
Church	600	Seats ²						
Trip Generation Rates ²		0.010	0.010	0.020	0.020	0.020	0.040	0.440
PCE Inbound/Outbound Splits		50%	50%	100%	50%	50%	100%	50%/50%
Trip Generation		6	6	12	12	12	24	264
Total Trip Generation		7	7	14	20	21	41	335

1 Rates based on peak hour of the generator for Land Use 488 "Soccer Complex" from Institute of Transportation Engineers (ITE) *Trip Generation*, (10th Edition).

2 Rates based on peak hour of the generator for Land Use 560 "Church" from ITE *Trip Generation*, (10th Edition).

Source: Translutions Inc.

Consistent with the San Bernardino County Transportation Authority's Guidelines for CMP Traffic Impact Analysis Reports in San Bernardino County, the analysis of off-site intersections at which the Project is forecast to add 50 or more peak hour trips were included in the TIA. Since the weekday a.m. and p.m. peak hour of generator trips do not add 50 or more peak hour trips to any CMP facility or Caltrans facility, the weekday a.m. and p.m. peak hour of generators were not included in the TIA, as the guidelines only require an analysis of intersections that receive 50 or more peak hour trips from a project. Further, it should be noted that in accordance with Senate Bill (SB) 743, automobile delay, as described solely by level of service (LOS) or similar measure of traffic congestion, is no longer considered a significant impact under CEQA (Pub. Resources Code, § 21099(b)(2).)

B-30:

The commenter asserts that the Final EIR does not provide a cumulative analysis for weekday traffic or weekday emergency evacuation impacts. Refer to Response B-29. The analysis of cumulative weekday traffic/weekday emergency traffic is not required because the weekday a.m. and p.m. peak hour of generator trips do not add 50 or more peak hour trips to any CMP facility or Caltrans facility; thus, the weekday a.m. and p.m. peak hour of generators were not required to be included in the TIA.

B-31:

The commenter claims that the Final EIR dismisses the County's obligation to evaluate Project-specific and cumulative level of service (LOS) impacts on regional highways and cites two CEQA cases from 1990 and 2016 that relate to analyses of LOS. In accordance with SB 743, automobile delay, as described solely by LOS or similar measure of traffic congestion, is no longer considered a significant impact under CEQA (Pub. Resources Code, § 21099(b)(2).) This provision took effect when an update to the CEQA Guidelines was certified in late 2018. (CEQA Guidelines, § 15064.3.) An appellate court decision (*Citizens for Positive Growth and Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609) confirmed that traffic congestion is no longer an environmental impact under CEQA, and the replacement analysis metric, vehicle miles travelled

(VMT) was not a required element of transportation analyses until July 1, 2020, after the COTW Draft REIR was circulated for public review in January 2019.

In response to the commenter's question about the TIA study area, the 50-trip threshold is a small number of trips to amount to measurable changes to level of service. The trip generation for weekday evening activities was calculated by Translutions, Inc. using rates weekday a.m. and p.m. peak hour of generators for a church. ITE's Trip Generation Manual (10th Edition) defines the peak hour of generator as the hour of highest volume of traffic entering and exiting the site during the a.m. or p.m. on a weekday and may or may not coincide with the peak hour of the adjacent street traffic. The Project's weekday trip generation using rates for the peak hour of the generator is 14 a.m. peak hour of generator trips and 41 p.m. peak hour of generator trips based on rates from ITE's Trip Generation Manual (10th Edition). Consistent with the San Bernardino County Transportation Authority's Guidelines for CMP Traffic Impact Analysis Reports in San Bernardino County, the analysis of off-site intersections at which the COTW Project is forecast to add 50 or more peak hour trips were included in the TIA. Because the Project would generate fewer than 50 trips during its peak hour of generator during weekdays, it cannot add more than 50 peak hour trips to any intersection, be it a CMP facility, freeway facility, or other Caltrans facility. While the commenter refers to weekday peak hours only, it should also be noted that even during weekends when the Project's trip generation is higher, the COTW Project would not add 50 or more trips at any freeway facility.

B-32:

The commenter asserts that the Draft REIR failed to provide adequate analysis of the Project's impacts on roadway safety. The commenter then speculates that the Project's traffic traveling to and from the COTW may increase the number of traffic accidents, without providing any evidence to support the claim. This comment identifies similar concerns related to roadway safety that were presented in Final EIR Comment 10-40 and adequately responded to by Final EIR Responses 10-40 through 10-47 (COTW Final EIR, pp. FEIR-161 to 164). As stated in the Draft REIR and in the Final EIR's responses to these comments, the Project does not entail the construction of any design features that the County considers to be a transportation hazard, and the Project would not introduce any incompatible uses (e.g. farm equipment) onto the public street system. Those items are the focus of Transportation Threshold d) discussed on Draft REIR pp. 3.I-15 and 16. Speculation about traffic accidents caused by driver behavior is beyond the scope of CEQA. Further, traffic accidents are rare events and from a statistical perspective there is no mathematical formula that can predict the rate of accidents from a proposed development project in this context. This requires analysis over long time periods and broad spatial scales to ensure sufficient sample sizes, which does not exist in the mountain area.

B-33:

The commenter repeats comments about bicycle safety submitted on the Draft REIR to which the County responded to as part of the Final EIR. Refer to Final EIR Response to Comment 10-42 (COTW Final EIR p. FEIR-162). The commenter does not provide any substantial evidence to support their claim that the Project would result in significant impacts to the environment as a result of bicycle safety concerns. The comments are based on suspicion and conjecture and make no ties between bicycle safety and environmental impacts. As noted in Final EIR Response to Comment 10-42, bicyclists are required to follow the same rules of the road as vehicles, and vehicles are required by the California Vehicle Code, "Three Feet for Safety Act" (CVC

21670) to provide a three feet buffer between his/her vehicle and the bicycle when passing; and, a driver who is unable to provide the minimum three-foot passing distance due to traffic or roadway conditions is required to (1) slow to a reasonable and prudent speed when passing and (2) only pass when doing so would not endanger the safety of the bicyclist.

B-34:

The commenter repeats a comment made on the Draft REIR and asserts that the County should be working with Caltrans to seek and provide funding for intersection improvements. This comment is noted and has no bearing on the conclusions reached by the Draft REIR, which are correct as explained in Final EIR Response to Comment 10-30 (COTW Final EIR p. FEIR-158 and 159). It should also be noted that pursuant to SB 743, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018, and as of that date, automobile delay, as measured by LOS and other similar metrics, no longer constitutes a significant environmental effect under CEQA. An appellate court decision (*Citizens for Positive Growth and Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609) confirmed that traffic congestion is no longer an environmental impact under CEQA.

B-35:

The commenter refers to their comment letter on the Draft REIR and requests that the County add mitigation measures to address traffic congestion. This comment identifies the same concerns related to transportation mitigation measures that were presented in the Final EIR. Refer to Final EIR Responses to Comments 10-33, 10-34 and 10-35 (COTW Final EIR p. FEIR-159 and 160). The County acknowledges its role under CEQA to mitigate significant environmental effects where feasible, and all feasible mitigation measures have been applied to address the Project's increase in traffic that are within the jurisdictional control of San Bernardino County and that have an essential nexus to the Project's significant environmental impacts.

B-36:

The commenter repeats a comment previously submitted on the Draft REIR and asserts that the Project's design should be revised to reduce the amount of parking to encourage parishioners and visitors to the COTW site to car share and ride the bus. Refer to Final EIR Response to Comment 10-33, which explains that the Project site is located in a mountain environment where alternative modes of transportation are not ample. According to Mountain Transit, the Dial-A-Ride² service is provided Monday through Saturdays, with no service on Sundays. There is no evidence whatsoever to demonstrate that by reducing parking, church patrons would share rides to-and-from the site. As indicated in Final EIR Response to Comment 10-33, it is more likely that if a smaller parking lot were provided, congestion would increase from vehicles waiting for a parking space. For these reasons the County rejects the suggestion to reduce parking, as the County's opinion is that it would increase congestion instead of lower congestion as the comment contends.

B-37:

The commenter claims that the mitigation measures previously suggested by the commenter to reduce Project-related traffic trip generation, and which were rejected by the County as part of the Final EIR, are in fact feasible and within the County's authority to impose and enforce. The County determined that the incorporation of bicycle racks is feasible and enforceable mitigation because it is a physical feature of the

² <https://mountaintransit.org/rim-area-dial-a-ride-rim-dial-a-ride-03132018/>

development and can be checked and verified at the issuance of a building permit. In comparison, the County has no authority or enforcement capacity to compel the Church of the Woods to offer a private shuttle service to unspecified destinations, pay for transit service, or to educate its visitors on public transit opportunities because these would be operational aspects of the church. Also, there is no evidence to support that visitors to the COTW site would actually use the transit system and measurably reduce traffic trips and traffic congestion. Further, in accordance with SB 743, traffic congestion is no longer considered a significant impact under CEQA (Pub. Resources Code, § 21099(b)(2).)

B-38:

The commenter claims that the County is obligated to use all of its powers to implement intersection improvements in locations under the jurisdiction of Caltrans to relieve traffic congestion. In accordance with SB 743, traffic congestion is no longer considered a significant impact under CEQA (Pub. Resources Code, § 21099(b)(2)) and thus mitigation is not required. Nevertheless, the County is requiring that the COTW Project Applicant make fair share monetary contributions to Caltrans for improvements at intersections that would be significantly impacted by the Project in the event that Caltrans establishes a fair share fee program. See Mitigation Measure 3.I-2 (Draft REIR p. 3.I-19). Other commitments made by the County to work with Caltrans would occur outside of the CEQA process.

B-39:

The commenter claims that the Final EIR does not provide evidentiary support for its rejection of a suggested mitigation measure calling for a bus stop at the Project site to reduce traffic congestion on public roads. The County acknowledges that the COTW Project could add a bus stop at the interior of the Project site; however, the Mountain Transit route (RIM OTM [Off the Mountain] Route 6)³ does not run on Sundays, which is when the vast majority of the Project's traffic would be generated. There is no evidence to support that visitors to the COTW site would actually use the transit system and measurably reduce traffic trips and traffic congestion resulting in a lowering of the Project's significant environmental effects. Further, in accordance with SB 743, traffic congestion is no longer considered a significant impact under CEQA (Pub. Resources Code, § 21099(b)(2).)

B-40:

The commenter identifies the same concerns regarding emergency access and evacuation that were identified in Final EIR Comments 10-43 through 10-48. Refer to Final EIR Responses to Comments 10-43 through 10-48 for responses that adequately address those concerns (COTW Final EIR p. FEIR-162 to 164). In addition, testimony was presented at the January 23, 2020 Planning Commission hearing from CalFire personnel indicating that should a wildfire occur in the local area, the COTW Project site could serve as a staging area for firefighters, equipment, and a safety zone for evacuees. As such, the COTW Project would be beneficial for wildfire defense instead of detrimental as the commenter asserts. Preparing a detailed report showing how the Project would affect an evacuation is not necessary. According to Public Resources Code Section 21091(d)(2)(B); 14 California Code of Regulations Section 15204(a), the County is not required to conduct every test or perform all research and studies at the commenter's request when there is sufficient information already included in the record, including Final EIR Responses to Comments 10-43 through 10-48, to show that

³ <https://mountaintransit.org/routes/off-the-mountain-lake-arrowhead-crestline-san-bernardino/>

the Project would not result in a significant effect to the environment associated with evacuations necessitated by a wildfire event.

B-41:

The commenter incorrectly asserts that the Draft REIR failed to adequately analyze the Project impacts associated with hydrology and water quality. As presented in an Engineering Geology and Soils Engineering Investigation performed at the Project site in 2001 by LOR Geotechnical Group, Inc., the COTW property is underlain by granitic bedrock overlain by a thick layer of colluvial and topsoil materials (LOR, 2001, pp. 7-8; Draft REIR Technical Appendix D1). There was no groundwater observed in the borings (LOR, 2001). Also, a groundwater well was abandoned at this location by the Big Bear Municipal Water District due to lack of water flow (COTW DEIR, p. 2-13). As reported by LOR, granitic bedrock underlying the site is covered by a layer of organic topsoil averaging between 1 to 3 feet. Weathered bedrock (3 to 7 feet) is underlain by less fractured bedrock (7 to 15 feet – total depth of excavation). As such, the underlying bedrock is not as conducive to groundwater infiltration as one might expect because the bedrock is not weathered enough to provide the required conduit for groundwater flow. This area of mountain slope is not naturally water bearing. The commenter provides no supporting evidence that the COTW Project would substantially interfere with groundwater recharge. Further, the COTW Project site is located at the top of the Little Bear Creek watershed and is a very small portion of the total 968-acre watershed. Downstream of the Project site, the Little Bear Creek flows through multiple public and private properties, through Blue Jay and then to Lake Arrowhead. Although impacts to groundwater recharge would be less than significant and mitigation is not required, the County will add two COAs to the Project. A COA will require Low Impact Development (LID) design features as part of the COTW Project's final design; examples of these features include directing roof drains to landscaped areas designed for low flow retention, using landscape areas for water quality and runoff management, and maximizing permeable surfaces to allow for low flows and snow melt to stay on-site and infiltrate into the ground. The County also will require through a COA that the athletic field is to be designed to manage infiltration and smaller rain events on-site. Only larger rain events will discharge off-site, as they do now, and into the RFSD when it is built. The addition of these COAs ensures that the County will review and ensure the installation of enhanced LID features during the Project's building permit process.

B-42:

The commenter asserts that the Draft REIR fails to adequately analyze or mitigate the Project's effects on water quality in Little Bear Creek and Lake Arrowhead and claims that the Draft REIR fails to disclose how the excavation of soil and removal of vegetation will affect groundwater flows. This Project site is located in an area which is not regulated by a Municipal Separate Storm Sewer System Permit (MS4 Permit). The County of San Bernardino, as the approving land use agency, still requires the Project to meet the State of California requirements for the Construction General Permit Stormwater Pollution Prevention Plan (CGP SWPPP). The County is also requiring the Project Applicant to submit a Water Quality Management Plan (WQMP) – using the Phase I MS4 Area WQMP template. The SWPPP, when developed, will be submitted to the State Water Quality Control Board (WQCB) for processing and approval under either the Risk Level 1 or 2 permit implementation category.⁴ During construction, the COTW Project will be required to manage all flows on-site per the approved SWPPP. No runoff will be allowed if the turbidity is greater than 250 NTU and the pH

⁴ https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

is not between 6.5 and 8.5. There is no reason to expect that this Project will cause exceedances considering the WQCB's required review and approval and oversight authority of the Project's SWPPP.

The Project's WQMP, which was prepared as part of the Final EIR (refer to Final EIR Attachment B), specifies that site design best management practices (BMPs) will be incorporated into the Project to promote on-site infiltration of impervious area run-off. There are two key BMPs proposed for the site; a biofiltration basin and design of the athletic field as a "self-retaining" area. The biofiltration basin is required to be constructed per the current San Bernardino County WQMP manual standards. This will include design for overflow management, underdrain design and on-going operations and maintenance requirements. The athletic field will be designed as a passive BMP to accept flows and to self-retain. As indicated previously, the County will require through a COA that the athletic field is to be designed to manage infiltration and smaller rain events on-site. It is noted also that the Santa Ana Regional Water Quality Control Board has approved the County of San Bernardino WQMP Manual and Template.⁵ The County, and many of the permittee cities, have been audited in the past few years and the Regional Board has confirmed that the WQMP approach and design is meeting the State's compliance requirements.

As previously described, the LOR geotechnical report (Draft REIR Technical Appendix D1) clearly explains that the Project site is not an effective source for groundwater flows. Regardless, Project-related grading, compaction and surface coverage are being planned for on-site infiltration. The planned LID elements to the site design will promote sustainable water quality and will promote maintaining current water volume and flow discharges. The Hydromodification discharges from the site are addressed through the WQMP.

B-43:

The commenter broadly claims based on expert opinion that the Draft REIR relies on faulty mitigation measure for impacts related to hydrology and water quality. To the contrary and in the expert opinion of the Project's civil engineer, W.J. McKeever, and as stated above in Response B-42, the COTW Project's WQMP included as Final EIR Attachment B, specifies site design BMPs that will promote on-site infiltration of impervious area run-off. According to McKeever and the WQMP, there are two key BMPs proposed for the site, a biofiltration basin and design of the proposed athletic field as a "self-retaining" area. The biofiltration basin will be constructed per the current San Bernardino County WQMP Manual standards.⁶ This will include design for overflow management, underdrain design and on-going operations and maintenance requirements. The athletic field will be designed as a passive BMP to accept flows and to self-retain. According to McKeever, Dr. Alford's citations noted by this comment are 1) older documents and not based on current studies; and 2) all of which are not for the southwest United States. The hydrology patterns in the San Bernardino County mountains is very different from the locations used in the commenter's references. In 2012, the current version of the County's WQMP template was developed as part of a statewide effort to improve BMP performance and efficiencies, and the COTW Project's WQMP is based on this the approved template. The biofiltration BMP is an approved BMP design.

Since about 2010, there have been numerous studies concerning BMP efficiencies and design. Refer to the following materials, which substantiate that the BMPs proposed for the COTW Project will be effective.

⁵ <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>

⁶ *Ibid.*

- 1) California Stormwater Quality Association (CASQA), California BMP Handbook.⁷ (Statewide guidance document used by almost all municipalities in California and are the basis for all design.)
- 2) The CASQA Bioretention Fact Sheet.⁸
- 3) Low Impact Development Manual for Southern California: Technical Guidance and Site Planning Strategies, April 2010, prepared for the Southern California Stormwater Monitoring Coalition in cooperation with the State Water Resources Control Board by the Low Impact Development Center, Inc.⁹
- 4) California BMP Effectiveness Calculator (an integrated web-based tool designed to help California's stormwater management community assess the effectiveness of vegetated swales, permeable pavement and other BMPs in removing contaminants during wet weather.¹⁰
- 5) Caltrans Treatment BMP Technology Report (October 2019).¹¹
- 6) United States Environmental Protection Agency, National Menu of BMP Best Practices.¹²

B-44:

The commenter accurately states that Mitigation Measure MM 3.D-1 requires a design-level geotechnical study. The commenter requests that the design-level geotechnical investigation be performed prior to Project approval. In compliance with CEQA, an agency may defer committing to specific mitigation measures when it approves a project if the measures that will be considered subsequently are described and performance criteria are identified. Moreover, CEQA allows for a mitigation performance standard if it identifies the criteria the agency will apply in determining that the impact will be mitigated. Performance standards based on specific objectives that inform the agency what the agency must do and what the agency must accomplish are sufficient. Further, a CEQA Lead Agency may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions. Draft REIR Mitigation Measure MM 3.D-1, on Draft REIR pp. 3.D-18 and 19, requires a design-level geotechnical investigation to address landslides, liquefaction, lateral spreading, and collapsible soils, in accordance with Chapter 87.08, *Soils Reports*, and Chapter 88.02, *Soil and Water Conservation*, of the San Bernardino County Municipal Code. MM 3.D-1 also states that the Project Applicant would incorporate remedial measures in accordance with the recommendations of the Project engineer, CALGreen, and County guidelines. Because MM 3.D-1 identifies criteria and performance standards that the

⁷ <https://www.casqa.org/resources/bmp-handbooks>

⁸ <https://www.casqa.org/sites/default/files/downloads/bioretention.pdf>

⁹ <https://www.casqa.org/resources/lid/socal-lid-manual>

¹⁰ <https://www.sccwrp.org/about/research-areas/additional-research-areas/stormwater-and-urban-runoff/california-bmp-effectiveness-calculator/>

¹¹ <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/2018-2019-annual-report/ctar-fy18-19-atc-trmt-bmp-rpt-a11y.pdf>

¹² <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>

County will apply in determining that the impact will be mitigated, the measure is appropriate and does not constitute deferral as the commenter claims.

The commenter incorrectly asserts that the Final EIR fails to adequately evaluate the Project's geotechnical impacts, including landslides and liquefaction. In 2003, the County Geologist provided a letter (County Review No. 1108) which stated "No strong evidence for the existence of this landslide as far east of the site was apparently found." The report further states "the evidence indicates this postulated landslide, if present, is considered to be grossly stable." The COTW Project's geotechnical report prepared by LOR Geotechnical (Draft REIR Technical Appendix D1) concurs, and documents the location of the feature and the appropriate structural setbacks are illustrated on Technical Appendix D1, Plate 1 (shown on the map as QIs which is listed under the units explanation as "recent slide materials") and illustrated on the profile B-B', Enclosure A-5 within Appendix A of the report. The structural setbacks for this feature are illustrated on the COTW Site Plan prepared by W.J. McKeever, which indicates no structures are to be located on this area which is planned to be used as a basketball court and a portions of a volleyball court, which are non-structural.

Liquefaction is a subgrade condition triggered by loose soils and groundwater. The very minor alluvial materials with the COTW development footprint will be compacted as part of the construction process. As this entire site is underlain by bedrock, the deeper subgrade cannot be susceptible to liquefaction. Any reference to liquefaction could only be very minor and localized. The very typical treatment needed for this type of possible liquefaction, is standard removal and recompaction of subgrade materials. The footings of the building will also be designed to manage this type of movement. These standards are typical and per local acceptable engineering practices. The exact specifications for the removal and recompaction of the subgrade, construction of the footings, among other items, will contained in the design-level geotechnical study required by Mitigation Measure MM 3.D-1.

B-45:

The commenter conflates the responsibilities of the County Flood Control District for installing the RSDP with the proposed COTW Project. The RSDP is completely independent of the COTW Project and COTW is not responsible for any components of the RSDP. The RSDP was subject to an independent CEQA review and the RSDP EIR (SCH No. 2015051070) was certified by the County Board of Supervisors on May 23, 2017.

B-46:

This is a concluding comment on the topic of geology that makes a blanket statement that feasible mitigation measures should be added to the Final EIR. As indicated in prior responses on the topic of groundwater, the County will add two COAs to the Project. A COA will require Low Impact Development (LID) design features as part of the COTW Project's final design; examples of these features include directing roof drains to landscaped areas designed for low flow retention, using landscape areas for water quality and runoff management, and maximizing permeable surfaces to allow for low flows and snow melt to stay on-site and infiltrate into the ground. The County also will require through a COA that the athletic field be designed to manage infiltration and smaller rain events on-site. The County has determined that no additional measures are warranted.

B-47:

The commenter introduces the topic of aesthetic impacts and indicates that non-expert opinion can be relied upon to determine if projects are aesthetically pleasing or not. Based on the County's independent judgement as presented in the Draft RDEIR and Final EIR and other materials related to the Project on file with the County, the Draft REIR and Final EIR conclude that the COTW Project would have a less-than-significant aesthetic impact. It is acknowledged that the commentor's opinion is different. No further response is required.

B-48:

The commenter repeats comments made on the Draft REIR regarding the analysis of impacts to scenic resources, stating that because the Project would entail tree removals, grading, and development in view of SR-18, the County should have deemed these impacts significant. EIRs are information documents and the Draft REIR and Final EIR provide factual and sufficient information about changes in the visual environment and changes of views from SR-18 that would occur from implementing the COTW Project. Photographs and of the existing condition and artist renderings of the proposed visual condition are provided as Draft REIR Figures 3.A-1 through 3.A-4. Sufficient detail about the Project's construction process and physical features are presented in Draft REIR Section 2.0, *Project Description*. Based on the County's independent judgement as presented in the Draft RDEIR and Final EIR and other materials related to the Project on file with the County, the County has concluded as presented in the Draft RDEIR and Final EIR that the COTW Project would have a less-than-significant aesthetic impact. It is acknowledged that the commentor's opinion is different. Regardless, the County's decision-making bodies are aware of and considered the changes to the aesthetic environment that would be caused by the Project as part of their deliberations on the Project's CUP application and Final EIR.

B-49:

The commenter accurately states that CEQA requires the analysis of a project's consistency with policies included in local plans, including General Plans, that were adopted for the purposes of environmental protection or mitigation. The Project's consistency with applicable plans and policies is contained in Section 3.G, *Land Use*, of the Draft REIR. Regarding Project consistency with the County's General Plan and Lake Arrowhead Community Plan, the Draft REIR contains a 30-page consistency analysis on Draft REIR pp. 3.G-22 through 3.G-52. The County determined that the Project is consistent with the General Plan and Community Plan with exception that the Project would result in a significant and unavoidable impact associated with General Plan Policy M/CI 1.1 and Lake Arrowhead Community Plan Policy LA/CI 1.1 related to transportation levels of service (e.g., the Project's contribution to traffic congestion at intersections). A detailed analysis of each and every policy is not required to determine overall consistency with the County's General Plan for the reasons given above in Response B-4.

B-50:

The commenter alleges that the Project would be inconsistent with General Plan Policy M/LU 1.1. "*Regulate the density of development in sloping hillside areas in order to reduce fire hazards, prevent erosion, and to preserve the forest character of the region.*" The County determined that the Project is consistent and presents its analysis of Project consistency with Policy M/LU 1.1 on Draft REIR p. 3.G-24. As stated, the Project's design preserves 50% of the Project site as open space and the proposed development is subject to a variety of County Development Code requirements and requirements of other regulatory agencies that pertain to grading

of slopes, landscaping, fire hazard management, and erosion. As such, the density of development has in fact been considered by the County and is regulated by the County as called for by the policy.

B-51:

The commenter alleges that the Project would be inconsistent with General Plan Policy M/LU 1.2. *“Architecture and outside facades of multi-family, build-out residential tracts and commercial structures shall be in keeping with the mountain character. Natural woods, or wood composite materials, and masonry shall be used as much as practicable and reviewed for conformance during the development approval.”* The County determined that the Project is consistent and refers the commenter to the Project’s conceptual architectural elevation provided as part of Response to Comment B-13. Also, the County presents its analysis of Project consistency with more generally worded General Plan Policy LU 1.2 on Draft REIR p. 3.G-24. Project consistency with the San Bernardino National Forest Land Management Plan is provided on Draft REIR p. 3.G-53.

The “original DEIR” noted by the commenter was prepared for a different version of the Project having a much larger development impact footprint, which the Project Applicant revised and scaled back in response to public comment and to accommodate the RFSD project. In evaluating the Applicant’s currently-proposed, smaller Project, it is the County’s determination that the COTW Project is consistent with General Plan policy LU 1.2 and M/LU 1.2 for the reasons cited on Draft REIR pp. 3.G-24 and based on the architectural elevation provided as part of Response to Comment B-13. The evolution of and associated scaling back of the Project’s design and physical impact footprint over the past nearly two decades since a larger version of the Project was first proposed in 2003 demonstrates that the County has complied with and satisfied one of the main purposes of CEQA - to protect the environment through informed decision making and the consideration of alternatives. The currently proposed Project is a more environmentally sensitive alternative to prior versions of the project considered by the County and the version of the project evaluated in the “original DEIR.”

B-52:

The commenter alleges that the Project would be inconsistent with General Plan Policy M/LU 1.4. *“Allow only low-density residential uses in areas that are appropriate for residential development but do not have adequate services at present.”* The County determined that this policy is not applicable because the Project is not a residential project. In response to the commenter’s general statements about community character, the County presents its analysis of Project compatibility with community character in Draft REIR Section 3.A, *Aesthetics*, and determined that the Project’s impacts would be less than significant. Refer to Response B-51 regarding comparison to the “original DEIR.”

B-53:

The commenter alleges that the Project would be inconsistent with General Plan Policy M/LU 1.6. *“The density and character of development shall not detract from the beauty, character and quality of the residential alpine environment.”* The County finds the Project consistent with this policy and presents its analysis of Project consistency with General Plan Policy M/LU 1.6 on Draft REIR pp. 3.G-24 and 25 and in Draft REIR Section 3.A, *Aesthetics*. In presenting its position, the commenter mischaracterizes the term “sharp contrast” used on Draft REIR p. 3.A-12 to imply that there will be a stark change in character over the entire Project site. In actuality, the Draft REIR uses the term “sharp contrast” in comparing the existing and proposed visual

character of the site as seen from a short segment SR-18 where the Project's athletic field is proposed. Refer to Draft REIR p. 3-A-13 (Figure 3.A-2) which compares the pre-Project (existing) and post-Project (simulated) view from this location. As shown, the backdrop still appears as a forested alpine environment after Project development. Considering the entire Project and not just a small portion of the Project at the athletic field location, the County has determined that the Project is consistent with General Plan Policy M/LU 1.6.

B-54:

The commenter alleges that the Project would be inconsistent with General Plan Policy M/LU 1.20. *“Closely review development projects on private land adjacent to National Forest lands to ensure that development projects are capable of meeting all development requirements within the project boundaries or other non-federal land. Provide opportunities for the U.S. Forest Service to consult with the County on development of private land that may have an adverse effect on adjoining National Forest land.”* The County finds the COTW Project consistent with this policy and presents its analysis of Project consistency with the San Bernardino National Forest Land Management Plan¹³ on Draft REIR p. 3.G-53. As stated, the Project site is privately owned and abuts the San Bernardino National Forest (SBNF); the SBNF Land Management Plan designates land abutting the Project site as Developed Areas Interface (DIA), recognizing the interface of the forest with areas containing high levels of human activity. As such, the U.S. Forest Service has anticipated human activity on the COTW site as part of their planning efforts. The Project's design meets its development requirements within the COTW Project site and not on federal land. Furthermore, the Forest Service had the opportunity to comment on the Project during public review of the Draft REIR. The Forest Service did not submit any comments.

B-55:

The commenter asserts that the Project would be inconsistent with General Plan Policy M/CI 1.1. *“The County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS C during non-peak hours or below LOS D during peak-hours in the Mountain Region.”* The identified this policy inconsistency as a significant and unavoidable impact in the Draft REIR (p. 3.G-55), and takes this impact into consideration in the Findings and Statement of Overriding Considerations related to certification of the Final EIR. However, the County finds that Policy M/CI 1.1 is not a fundamental policy and that the Project is consistent with the General Plan for the reasons given above in Response B-4.

B-56:

The commenter alleges that the Project would be inconsistent with General Plan Policy CI 4.6. *“Ensure that applicants, subdividers and developers dedicate and improve right-of-way per County standards and contribute to their fair share of off-site mitigation.”* The County finds the Project consistent and presents its analysis of Project consistency with Policy CI 4.6 on Draft REIR pp. 3.G-25 and 26 and in Draft EIR Section 3.I, *Transportation and Circulation*. As stated, the Project Applicant is obligated to make frontage improvements to SR-18 including widening SR-18 300 feet easterly and westerly of the Project's main driveway to include an eastbound left-turn lane and westbound deceleration/acceleration lane. The Project also would include the installation of a traffic signal at the Project's proposed main driveway with SR-18. In addition, the Project is obligated by Mitigation Measures 3.I-2 to make fair share fee payments to Caltrans if

¹³ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev7_007719.pdf

Caltrans establishes a fair share fee program for the impacted intersections in accordance with California's Mitigation Fee Act (Government Code § 66000 et seq.) which provides the requirements for development impact fee programs. The County has no jurisdictional authority over Caltrans facilities and cannot collect fair share fees or mandate the payment of fees to Caltrans absent the existence of a Caltrans fair share fee program prepared in compliance with the Mitigation Fee Act. Even so, COA No. 66 requires the Project Applicant to engage with Caltrans and use reasonable efforts to pay applicable fair share fees. Therefore, the Project is compliant with General Plan Policy CI 4.6.

B-57:

The commenter alleges that the Project would be inconsistent with General Plan Policy CI 9.1. *“Control the timing and intensity of future development and ensure that future development is contingent on the provision of infrastructure facilities and public services. Create a clear framework in the County Development Code that identifies the necessary appropriate infrastructure required to support the density and intensity of proposed development.”* The County finds the COTW Project consistent with this policy and presents its analysis of Project consistency with Policy CI 9.1 on Draft REIR p. 3.G-26. The Project complies with all applicable provisions of the County's Development Code pertaining to infrastructure. The policy addresses the general provision of infrastructure and infrastructure is in place or is planned to be in place through the RSDP to adequately service the site. The Project site is located adjacent to SR-18 where infrastructure is site adjacent. The commenter refers to traffic congestion and transportation infrastructure but Policy CI 9.1 does not specifically address traffic congestion. Other policies in the General Plan specifically address traffic congestion and the Draft REIR accurately and objectively concludes that the Project would result in significant and unavoidable impacts due to an inconsistency with General Plan Policy M/CI 1.1 and Lake Arrowhead Community Plan Policy LA/CI 1.1 related to levels of service on roadways. A discussion of transportation infrastructure also is presented in Draft REIR Section 3.I, *Transportation and Circulation*.

B-58:

The commenter alleges that the Project would be inconsistent with General Plan Policy CO 1.2 regarding the minimization of recreational uses in sensitive biological areas. However, the commenter is mistaken because Policy CO 1.2 does not address recreational resources. The policy states as follows. *“The preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas. The County will continue the review of the Land Use Designations for unincorporated areas within one mile of any state or federally designated scenic area, national forest, national monument, or similar area, to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas.”* The County finds that the COTW Project complies with Policy CO 1.2. In terms of land use designation, the Project site is designated Community Industrial (IC). Although Policy CO 1.2 calls for the County to evaluate land use designations, the Project does not involve a land use designation change or a zoning change. The Project is consistent with the property's land use designation and zoning. As stated on Draft REIR page 3.G-2, the IC designation permits places of worship with the approval of a CUP. Permitted uses include but are not limited to light manufacturing, warehousing, and other uses that could be more impactful to the environment than would the Project. The Project's sole discretionary approval is a Conditional Use Permit (CUP) that would permit the construction and operation of the Project's proposed place of worship use. The proposed design of the COTW Project provides a low development density and adequate physical separation between natural areas and the SBNF to the proposed church structures, athletic field and other

ancillary features of the Project. Additionally, as stated on Draft REIR p. 2-15, the COTW Project would preserve approximately 13.5 acres of the approximately 27.12-acre Project site as natural open space. This open space area would serve as a buffer area between the church facilities and the SBNF.

B-59:

The commenter alleges that the Project would be inconsistent with General Plan Policy M/CO 1.4. *“Designate and protect unique habitats supporting rare and endangered species.”* The County finds the COTW Project consistent with this policy and presents its analysis of Project consistency with Policy M/CO 1.4 on Draft REIR p. 3.G-33. As stated, mitigation measures are required to reduce significant direct impacts to sensitive species to less-than-significant levels. Draft REIR Section 3.C, *Biological Resources*, analyzes the Project’s impacts to sensitive habitat in detail, and concludes that with implementation of mitigation, Project-level impacts to wildlife habitat would be mitigated to a less-than-significant level. The County designates the Project site for Community Industrial (IC) land uses and no portion of the site is currently designated for protected habitat/open space. However, the Project’s design would permanently preserve approximately 13.5 acres of the approximately 27.12-acre Project site as natural open space, which contains SRB, CSO, and SBFS habitat.

B-60:

The commenter alleges that the Project would be inconsistent with General Plan Policy M/CO 1.7. *“Encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation, soils and wildlife. Require the planting of native or drought-tolerant cultivar species, capable of surviving the mountain environment and climate.”* The County finds the COTW Project consistent with this policy and presents its analysis of Project consistency with Policy M/CO 1.7 on Draft REIR p. 3.G-33. As stated, mitigation measures are required to reduce significant impacts to sensitive species to less-than-significant levels. Draft REIR Section 3.C, *Biological Resources*, analyzes the Project’s impacts to sensitive habitat in detail, and concludes that with implementation of mitigation, Project-level impacts to wildlife habitat would be mitigated to a less-than-significant level. The Project’s design would permanently preserve approximately 13.5 acres of the approximately 27.12-acre Project site as natural open space, which contains SRB, CSO, and SBFS habitat.

B-61:

The commenter alleges that the Project would be inconsistent with General Plan Goal M/CO 2 *“Maintain the health and vigor of the forest environment.”* The County finds the COTW Project is consistent with this goal as explained above in Response B-60. The commenter further alleges that the Project would be inconsistent with General Plan Policy M/CO 2.1. *“The County shall work collaboratively with the California Department of Forestry and Fire Warden (CDF) and the U.S. Forest Service to implement a long-term Forest Health Restoration and Maintenance Program that will restore fire resiliency, increase safety, and provide community and forest sustainability.”* The County finds that this policy is not applicable to the COTW Project, as the Project has no reasonable possibility of interfering with the County’s ability to work with other agencies to implement a long-term forest health and restoration maintenance program.

B-62:

The commenter alleges that the Project would be inconsistent with General Plan Goal OS 5. “*The County will maintain and enhance the visual character of scenic routes in the County.*” The County finds the COTW Project consistent with this goal as presented in Draft REIR Section 3.A, *Aesthetics*. The Draft REIR and Final EIR provide factual and sufficient information about changes in the visual environment and changes of views from SR-18 that would occur from implementing the COTW Project. Photographs of the existing condition and artist renderings of the proposed visual condition as seen from SR-18 are provided as Draft REIR Figures 3.A-1 through 3.A-4. Based on the County’s independent judgement as presented in the Draft REIR and Final EIR and other materials related to the Project on file with the County, the County has concluded that the COTW Project would have a less-than-significant aesthetic impact to SR-18. The prominent scenic vista experienced from SR-18 is the view of the valley looking south from SR-18, whereas the Project site is located on the opposite side of SR-18. Implementation of the Project would not obstruct the view of the valley from SR-18. Additionally, the Project’s proposed landscaping would include native plant material to retain the mountain character of the area. Moreover, ornamental trees would be implemented to partially screen views of the proposed building from passengers traveling along SR-18.

B-63:

The commenter alleges that the Project would be inconsistent with General Plan Policy OS 5.3. “*The County desires to retain the scenic character of visually important roadways throughout the County. A “scenic route” is a roadway that has scenic vistas and other scenic and aesthetic qualities that over time have been found to add beauty to the County.*” The County finds the COTW Project consistent with this policy as presented in Response to Comment B-52.

B-64:

The commenter alleges that the Project would be inconsistent with General Plan Policies OS 7.5 and 7.6. “*Require that natural landform and ridgelines be preserved by using [various] measures.*” “*Require that hillside development be compatible with natural features and the ability to develop the site in a manner that preserves the integrity and character of the hillside environment, including but not limited to, consideration of terrain, landform, access needs, fire and erosion hazards, watershed and flood factors, tree preservation, and scenic amenities and quality.*” The County finds the COTW Project consistent with these policies and presents its analysis of Project consistency with Policies OS 7.5 and 7.6 on Draft REIR pp. 3.G-37 and 38. As stated, the Project would entail grading an existing hill located on the eastern portion of the Project site; however, the Project would also preserve approximately 50% of the site as natural open space, and preserve the existing natural slope on the southeast portion of the site. Additionally, grading and development activities related to the Project would be required to adhere to the provisions of the San Bernardino County Development Code including but not limited to Chapter 83.08, *Hillside Grading Standards*, Chapter 82.13, *Fire Safety (FS) Overlay*, Chapter 88.01 *Plant Protection and Management*, and Chapter 88.02 *Soil and Water Conservation*. The Project would also be required to implement the BMPs and other storm water management measures from the Project-specific WQMP, SWPPP, and NPDES permit, which would ensure that the Project implementation does not result in substantial degradation of water quality.

B-65:

The commenter alleges that the Project would be inconsistent with General Plan Goals M/OS-1 and M/OS-2. “*Ensure the preservation and proper management of National Forest lands within the Mountain Region to*

maintain the alpine character of the region.” “Improve and preserve open space corridors throughout the Mountain Region.” The County finds that Goal M/OS-1 is not applicable to the environmental analysis of the COTW Project because the Project site is privately owned and is not the subject of any property exchange discussions with the U.S. Forest Service. Further, the COTW Project Applicant has already conveyed approximately 10.0 acres of their property to the County Flood Control District for implementation of the County’s RSDP. Regarding open space corridors, approximately 50% of the Project site would remain as open space as part of the Project’s implementation. As stated on Draft REIR p. 3.C-23, the Project site is located immediately east of the Strawberry Creek wildlife corridor, which provides movement opportunities from the City of San Bernardino through the San Bernardino Mountains to the Mojave River. The northern and western portion of the Project site would be preserved as undisturbed natural open space and would continue to provide movement opportunities for wildlife. Implementation of the Project would not inhibit or obstruct the County’s ability to improve and preserve open space corridors throughout the Mountain Region.

B-66:

The commenter asserts that the Project is inconsistent with the Lake Arrowhead Community Plan and quotes an excerpt from the community plan about resident feelings on quality of life, values, and concerns. The County determined that the COTW Project is consistent with the Community Plan and presents an analysis of Project’s consistency with applicable Lake Arrowhead Community Plan Policies in Table 3.G-1 of the Draft REIR. The evolution of and associated scaling back of the Project’s design and physical impact footprint over the past nearly two decades since a larger version of the Project was first proposed in 2003 demonstrates that the County has complied with and satisfied one of the main purposes of CEQA - to protect the environment through informed decision making and the consideration of alternatives.

B-67:

The commenter claims that the Project would be out of character with the existing rural ambience of the community. The County disagrees with the commenter. The commenter incorrectly states that the Project would entail the development of 27 acres of forested land. As stated on Draft REIR page 0-1, the Project would develop the proposed facilities on approximately 13.6 acres of the 27.12-acre property and the remaining 13.5 acres of the site would be preserved as natural open space. The Project’s impacts on biological resources are analyzed in Draft REIR Section 3.C, *Biological Resources*. A detailed description of the Project, including proposed changes to the site’s topography, is included in Draft REIR Section 2.0, *Project Description*. A detailed analysis of water quality and erosion is included in Draft REIR Section 3.F, *Hydrology and Water Quality* (refer to the analysis of Thresholds c., d., and e.). The commenter states that new traffic signals would degrade the community’s small-town atmosphere; however, as noted in RDEIR Section 3.I, *Transportation and Circulation*, many of the intersections meet signal warrants without the Project and the decision to install signals rests with Caltrans.

B-68:

The commenter claims that the Project is inconsistent with Lake Arrowhead Community Plan Policy LA/CI 1.7 because it contributes to the need for traffic signals in the area. *“Provide access control, traffic system management and other improvements on the highways and major County roads within the plan area in keeping with the scenic sensitivity of the community plan area.”* The County finds the COTW Project consistent with this policy and presents its analysis of Project consistency with Policy LA/CI 1.7 on Draft REIR pp. 3.G-44

and 45. Regarding the signalization of intersections, the policy does not say that traffic signals should not be installed, but rather that traffic controls should have scenic sensitivity. Traffic signal design at the affected intersections is under the jurisdictional control of Caltrans and beyond the scope of the COTW Project. Additionally, many of the intersections meet signal warrants with or without the addition of COTW Project-generated traffic.

B-69:

The commenter claims that the Project is inconsistent with Lake Arrowhead Community Plan Policies LA/CO 1, LA/OS 4, and LA/OS 4.2, all relating to the preservation of environmental features, open space, and open space corridors. The County finds the COTW Project consistent with these policies and presents its analysis of Project consistency with Policies LA/CO 1, LA/OS 4, and LA/OS 4.2 on Draft REIR pp. 3.G-47 and 52. Approximately 50% of the Project site would remain as open space as part of the Project's implementation. As stated on Draft REIR p. 3.C-23, the Project site is located immediately east of the Strawberry Creek wildlife corridor, which provides movement opportunities from the City of San Bernardino through the San Bernardino Mountains to the Mojave River. The northern and western portion of the Project site would be preserved as undisturbed natural open space and would continue to provide movement opportunities for wildlife.

B-70:

This is a concluding comment summarizing the commenters asserts that the Project is inconsistent with the County's General Plan and the Lake Arrowhead Community Plan. Refer to Responses B-49 to B-69 for specific responses to each specific assertion made by the commenter on this topic.

B-71:

The commenter alleges that the Draft REIR did not provide a reasonable range of alternatives. The County disagrees with the commenter. Draft REIR Section 4.0, *Alternatives*, provides three alternatives to the Project. Under the rule of reason, an EIR need to discuss only those alternatives necessary to permit a reasonable choice. As explained in Response B-59, the evolution of and associated scaling back of the Project's design and physical impact footprint over the past nearly two decades since a larger version of the Project was first proposed in 2003 demonstrates that the County has clearly complied with and satisfied one of the main purposes of CEQA - to protect the environment through informed decision making and the consideration of alternatives. As discussed in Draft REIR Section 1.2, *Administrative Background*, the Project's environmental review process began in 2003, with a project of larger scope that included a school. The San Bernardino County Planning Commission approved the previously proposed Project and adopted the environmental document; however, an appeal was filed and the Project Applicant decided to resubmit a smaller project by removing the proposed school. The County prepared and circulated a Draft EIR for the smaller project in 2010 for public review. The County took no further action on the smaller project at that time. In April 2017, the Project submitted a revised CUP application for the currently proposed Project, which is a further reduced version of the 2010 version of the project. Most recently, as the result of public comment on the Draft REIR, the Project Applicant changed the Project design to move the proposed caretaker's unit to reduce the required extent of fuel management around the structure thereby lessening impacts to biological resources associated with vegetation thinning. The currently-proposed Project is a more environmentally sensitive alternative to all prior versions of the project considered by the County. This response about the evolution of the Project's

design clearly demonstrates that a wide range of alternatives to the Project have been considered by the County as part of its decision-making process.

B-72:

The commenter claims that the Project's proposed Alternative 2 is not a valid Project alternative as part of the required range of alternatives because it would not achieve the Project's objectives. The County complied with State CEQA Guidelines Section 15126.6(e), which requires that a "no project" alternative be considered. Alternative 2 is a "no project" alternative and is rightfully included to foster informed decision making and public participation. The County complied with State CEQA Guideline Section 15126.6(f), and used "rule of reason" to provide a reasonable range of Project alternatives that included: The No Project/No Development Alternative, required by CEQA; The No Project/Feasible Development Alternative; and the Reduced Project/Alternative Site Design Alternative. In addition to meeting project objectives, alternatives must also potentially feasible (CEQA Guidelines Section 15126.6(a)). Refer to Response B-71 above for information about the Project's history and evolution of design. Because the currently-proposed Project is already a smaller and scaled back version of a larger project evaluated by the County several times before, and an even smaller Reduced Project/Alternative Site Design Alternative is evaluated in the Draft RDEIR, the County was unable to identify other feasible alternatives that would meet the Project objectives and foster informed decision making. The commenter also does not present any specific alternatives for the County to consider.

B-73:

The commenter claims that the Draft REIR relied on narrow Project objectives that precluded a reasonable alternatives analysis, including the analysis of an alternative that eliminates the Project's sports facilities. According to the Project Applicant, the inclusion of a sports facility is not a narrow objective, but one of the main components of the Project. Refer to Response B-71 for information about evolution of the Project's design.

B-74:

The commenter claims that the Reduced Project Alternative is a feasible Project that the County should have adopted. Refer to the CEQA *Findings of Fact and Statement of Overriding Considerations for the Church of the Woods Project Rim Forest (San Bernardino County)*, CA SCH # 2004031114 adopted by the County's Planning Commission. The document is attached to the January 23, 2020 Planning Commission staff report, Exhibit H.

B-75:

The commenter again claims that the Reduced Project Alternative is a feasible Project that the County should have adopted. Refer to the CEQA *Findings of Fact and Statement of Overriding Considerations for the Church of the Woods Project Rim Forest (San Bernardino County)*, CA SCH # 2004031114 adopted by the County Planning Commission. The document is attached to the January 23, 2020 Planning Commission staff report, Exhibit H. Of note, as the result of public comment on the Draft REIR, the Project Applicant changed the Project design to move the proposed caretakers building to reduce the required extent of fuel management around the structure thereby lessening impacts to biological resources associated with vegetation thinning. The approved Project was undeniably a more environmentally sensitive alternative to the Project evaluated in the Draft REIR.

B-76:

The commenter suggests that the Draft REIR be recirculated. As demonstrated in these written responses and the Final EIR, there were no comments made in this letter or in other comments received by the County of San Bernardino that necessitates recirculation of the Draft REIR. The Draft REIR circulated for public review was fundamentally and basically adequate, and as such, recirculation is not warranted as set forth in Section 15088.5 of the State CEQA Guidelines.

B-77:

The commenter states that the County should not have approved the Project because it is inconsistent with the County General Plan and Lake Arrowhead Community Plan. The County has determined that the Project is indeed consistent with the General Plan and Community Plan. Refer to Responses B-49 to B-69.

B-78:

The commenter asserts that the Project is inconsistent with the Project site's existing land use designation and zoning classification. The County disagrees and finds the Project to be consistent. Refer to Response B-4.

B-79:

The commenter incorrectly states that the County cannot make the necessary Findings to approve the Project's CUP. Refer to the Findings attached to the January 23, 2020 Planning Commission staff report, Exhibit B.

B-80:

This is a concluding comment asserting that the Draft REIR and Final EIR are not adequate. The County has found based on its independent judgement and relying on all of the information in the County's records concerning the Project, Draft REIR and Final EIR, that that Draft REIR and Final EIR are adequate. The County's Planning Commission certified the Final EIR on January 23, 2020.

Letter C: Shute, Mihaly, & Weinberger

C-1:

The commenter requests that the Board of Supervisors reverse the Planning Commission's decisions related to approval of the COTW Project. The Board of Supervisors will conduct a de novo ('new') hearing at which public comment will be considered. No further response is required.

C-2:

The commenter asserts that the Draft REIR failed to adequately describe the Project. Refer to Responses B-7 through B-12.

C-3:

The commenter asserts that the Draft REIR failed to identify or describe the special events that could occur at the Project site. Refer to Response B-13.

C-4:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project's environmental impacts related to biological resources. Refer to Responses B-15 and B-18 through B-27.

C-5:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project environmental impacts related to traffic, circulation, and roadway hazards. Refer to Responses B-29 through B-31.

C-6:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project's environmental impacts related to emergency response and evacuation. Refer to Response B-40.

C-7:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project environmental impacts related to drainage, hydrology, water quality. Refer to Responses B-41 through B-43

C-8:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project environmental impacts related to geology and soils. Refer to Responses B-44 through B-46.

C-9:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project environmental impacts related to aesthetic resources. Refer to Responses B-47 and B-48.

C-10:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project environmental impacts related to land use. Refer to Responses B-49 through B-70, B-77, and B-78.

C-11:

The commenter asserts that the Draft REIR failed to adequately evaluate or mitigate the Project environmental impacts related to cumulative impacts. Refer to Responses B-26 through B-28.

C-12:

The commenter asserts that the Draft REIR failed to provide a reasonable range of alternatives. Refer to Responses B-71 through B-75.

C-13:

The commenter claims that the Final EIR added significant new information that requires the recirculation of the Draft REIR. Refer to Response B-76.

C-14:

The commenter claims that the County failed to adopt a legally adequate Statement of Overriding Considerations. The County disagrees with the commenter. The Project's Statement of Overriding

Considerations is fundamentally adequate, was prepared in accordance with the requirements of the State CEQA Guidelines, and is supported by substantial evidence.

C-15:

The commenter asserts that the Draft REIR failed to provide substantial evidence supporting the conclusions that indicate Project impacts would be less than significant regarding aesthetics, biological resources, geology and soils, hazards, hydrology and water quality, and transportation and traffic. Refer to Responses B-8, B-23, B-33, B-39, B-40, and B-79.

C-16:

The commenter asserts that the Draft REIR failed to provide substantial evidence supporting the conclusions that indicate Project impacts would be significant and unavoidable regarding traffic. Refer to Responses B-34 through B-39.

C-17:

The commenter asserts that the Draft REIR failed to provide substantial evidence regarding consistency with applicable plans. Refer to Responses B-49 through B-70, B-77, and B-78.

C-18:

The commenter claims that the Project's alternatives are not supported by substantial evidence. Refer to Responses B-74.

C-19:

The commenter claims that the Project fails to comply with State Planning and Zoning Law. Refer to Responses B-77 and B-78.

C-20:

The commenter claims that the Draft REIR fails to provide substantial evidence to support the findings necessary to approve the Project's proposed CUP. Refer to Response B-79.

C-21:

The commenter asserts that the Draft REIR fails to meet the requirements of CEQA and requests the County to deny the COTW Project. Refer to Response B-80.