



MEMORANDUM

TO: County of San Bernardino

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

DATE: October 19, 2020

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

The County received an additional comment letter from Shute, Mihaly & Weinberger dated October 8, 2020, in regards to the appeal of the Church of the Woods (COTW) project. Provided herein are responses to the substantive points raised in the letter.

Letter D – Shute, Mihaly, & Weinberger (letter dated October 8, 2020)

D-1:

The commenter identifies themselves as representing Save Our Forest Association and Sierra Club – San Bernardino Mountain Group, and requests that the County’s Board of Supervisors uphold the appeal and reverse the San Bernardino County Planning Commission’s approval of the COTW Project. The County acknowledges the commenter’s clients. The County Board of Supervisors will conduct a de novo (‘new’) hearing on the COTW Project scheduled for October 20, 2020, at which public comment will be considered.

As an introduction, the commenter reiterates their topics of concern regarding the COTW Project’s impacts on the environment, which are biological resources, water quality, safety, and land use and planning. The commenter expressed these same concerns on three prior occasions, and each time the County has supplied adequate responses. First, the commenter supplied Commenter Letter 10 on the COTW Draft REIR. Responses thereto appeared as Final EIR Response to Comments 10-1 through 10C-11 on Final EIR pp. FEIR-151 to 176. Second, the commenter supplied a letter dated January 22, 2020, to which general responses were supplied orally the next day at the January 23, 2020, Planning Commission Hearing. Third, and as part of commenter’s appeal of the Planning Commission’s decision, commenter supplied a letter dated January 30, 2020. Written responses to the commenter’s January 22, 2020 and January 30, 2020 letters are included in a memorandum from T&B Planning, Inc., dated September 29, 2020 (hereafter referred to as “9/29/20 Response Memo”). Please refer to all of these prior responses. Additional responses to the commenter’s concerns regarding the COTW Project’s impacts on biological resource, water quality, safety, and land use and planning are provided in the responses below.

D-2:

The commenter summarizes the COTW Project's primary components, location, and grading activities required to construct the Project. This comment does not raise any significant environmental issues. No further response is required.

D-3:

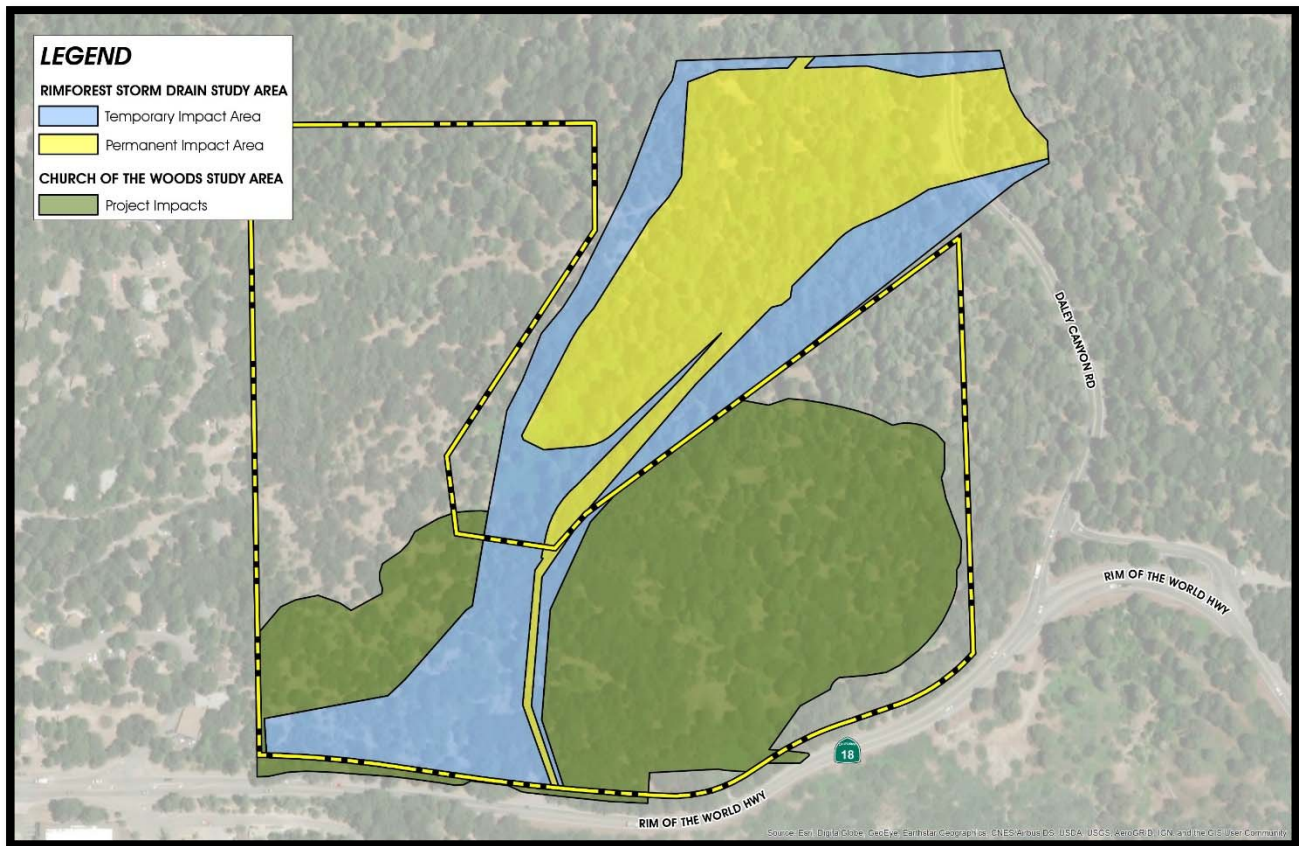
The commenter asserts that the Project's increase in impervious surfaces would cause stormwater to discharge into and contaminate Little Bear Creek. Commenter's suspicion about contamination is incorrect given the numerous mandatory regulatory requirements addressing water quality that COTW must comply with, as previously explained in Draft REIR Subsection 3.F (pp. 3.F-1 to 30), Final EIR Response to Comments 10-50, 10-64, and W (pp. FEIR-165, 171, and 438), and Responses A-7 and B-41 of the 9/29/20 Response Memo.

D-4:

The commenter reiterates their positions that 1) the Draft REIR failed to adequately address the Project's environmental impacts; 2) that the Draft REIR failed to explain the COTW Project's relationship to the Rimforest Storm Drain Project (RSDP); and 3) that the Final EIR failed to adequately respond to public comments. Refer to the 9/29/20 Response Memo, Response to Comment B-9. The Final EIR provides written responses to 212 comment letters received on the Draft REIR. In addition, the 9/29/20 Response Memo provides written responses to three additional comment letters. Each substantive technical response is backed by expert opinion and is supported by substantial evidence as warranted.

The County provided clarity in the Final EIR and 9/29/20 Response Memo regarding the COTW Project's relationship with the RSDP and the responsibility for mitigation of impacts. The RSDP will be implemented first and to assure that this occurs, the County placed Condition of Approval (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. As shown in commenter's own October 8, 2020 comment letter, Exhibit D, Figure 1, "Changes to Project Design," the RSDP will disturb a large swath of land through the COTW Project site. The illustration provided on the next page shows the RSDP temporary impacts in blue and RSDP permanent impacts in yellow. The additional COTW disturbance footprint is shown in green, with the COTW Project boundary shown as a dashed yellow line.

For the RSDP, the County is required to prepare and implement an Ecological Restoration Plan approved by the CDFW to mitigate temporary and permanent impacts. Similarly, the COTW Project is required to obtain an Incidental Take Permit (ITP) from the CDFW. 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. In this instance, it is recognized that both projects will be impacting some of the same area, with the RSDP implemented first. 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 biological resources to below a level of significance. It is within CDFW's authority to require comparable or additional mitigation as part of their ITP permitting processes for both projects.



D-5:

The commenter repeats a previous comment acknowledging that the COTW Project would conflict with County General Policy M/CI 1.1 and Lake Arrowhead Community Plan Policy LA/CI 1.1. This comment was previously responded to in the 9/29/2020 Response Memo as Responses B-4 and B-49. Please refer to those responses. In summary, even if interpreted as fundamental and mandatory policies, the County has ensured the Project is consistent with M/CI 1.1 and LA/CI 1.1 by imposing mitigation measures requiring traffic and road improvements consistent with roadway level of service (LOS) requirements. Notwithstanding the County's efforts to make certain that the Project complies with LOS requirements,¹ the Final EIR notes that the Project's traffic impacts would be significant and unavoidable because the County does not have the powers conferred by law to guarantee the installation of the required improvements to avoid a degrading of LOS given the jurisdictional constraints. In light of the limits on the multi-jurisdictional regulatory authority over State Routes, 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. Thus, it is reasonable to conclude that perfect consistency with policies M/CI 1.1 and LA/CI 1.1 is not obligatory since the County may impose but is unable to enforce mitigation measures on approximately 1,240 miles of roadway controlled by the California Department of Transportation.

¹ To ensure is defined as an act to make certain that (something) shall occur or be the case.

D-6:

The commenter alleges that the Project would be inconsistent with General Plan Policy CI 13.2, part (c). *“Promote the implementation of low impact design principles to help control the quantity and improve the quality of urban runoff. These principles include: a) Minimize changes in hydrology and pollutant loading; ensure that post development runoff rates and velocities from a site do not adversely impact downstream erosion, and stream habitat; minimize the quantity of stormwater directed to impermeable surfaces; and maximize percolation of stormwater into the groundwater where appropriate. b) Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; c) Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site; d) Establish development guidelines for areas particularly susceptible to erosion and sediment loss; and e) Require incorporation of structural and non-structural BMPs to mitigate projected increases in pollutant loads and flows.”* The County finds the Project consistent based on Draft REIR Subsection 3.F (pp. 3.F-1 to 30), Final EIR Response to Comments 10-50, 10-64, and W (pp. FEIR-165, 171, and 438), and Responses A-6, A-7, A-8, B-4, B-41, and B-49 of the 9/29/20 Response Memo.

D-7:

The commenter summarizes its position and urges the Board of Supervisors to reverse the Planning’s Commission decision to approve the COTW Project based on alleged CEQA and planning and zoning law violations. Refer to responses previously provided that address these allegations at Final EIR Response to Comments 10-9 through 10-13 (pp. FEIR152 to 154) and 10-75 (p. FEIR-174) and Responses B-4 and B-49 of the 9/29/20 Response Memo.

D-8:

The commenter introduces and reiterates concerns that were identified in prior comment letters. Detailed discussion related to the identified concerns are provided below.

D-9:

The commenter asserts that the Draft REIR understates the Project’s impacts on southern rubber boa (SRB) and mischaracterizes the quality of on-site SRB habitat. This is the same comment previously raised by the commenter and to which the County adequately responded and strongly disagrees. Prior responses are contained at Final EIR Responses to Comments 7-8, 7-9, 7-10, and 7-13 (pp. FEIR-68 to 71) and Responses B-18, B-19, B-20, B-21, and B-22 of the 9/29/20 Response Memo. As noted in these responses and in Draft REIR Section 3.C, and as confirmed in commenter’s comment letter, SRB is very secretive and can easily be missed during surveys for the species. A focused survey requires three years of surveying and is not definitive in its conclusion. As such, the use of a suitability assessment is an accepted methodology for determining presence or absence of the species. The Leatherman BioConsulting (LBC) report appended to the Draft REIR as part of *Technical Appendix C*, and relied upon for the Draft REIR’s assessment was conducted by a senior herpetologist with several decades of experience with SRB. His qualifications² and the results of his assessment contained as part of Draft REIR *Technical Appendix C* meet CEQA compliance standards for a determination of the Project’s potential impacts to SRB. As indicated, habitat suitability assessments are routinely used to characterize the potential for occurrence for a species and is an accepted methodology used by the CDFW to develop mitigation as part of CDFW permitting processes. This same approach was used by

² <https://leathermanbio.com/>

LBC to analyze impacts and develop mitigation for SRB with CDFW for the nearby SkyPark at Santa's Village Project, and as part of its 2081 Incidental Take Permit (ITP) process which was successfully completed and implemented.³

D-10:

The commenter addresses 0.66 acres on the COTW property that would be affected by fuel modification zone 3 (FMZ 3), and questions whether this area is part of the preservation acreage stipulated by Mitigation Measure MM-3.C1(b). Yes, the 0.66 acres is part of the preservation acreage tabulated in MM-3.C1(b). As noted in Response B-18 of the 9/29/20 Response Memo, 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) (inclusive of the 0.66 acres of FMZ 3 area) 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 and considering that the preserved areas of moderate and high quality SRB habitat would mitigate for the loss of lower quality habitat impacted by the Project. It is within CDFW's authority to require comparable or additional mitigation as part of their ITP permitting process.

D-11:

The commenter states that the COTW Project will require an ITP from the CDFW. The County agrees, and the requirement obtain an ITP is indicated in Final EIR Response to Comments 7-8, 7-9, 7-10, 7-13, 7-21, 10-54, 10-59, 10-61, and G (pp. FEIR-68 to 71, 73, 167, 168, and 422), Responses B-18 to B-23 of the 9/29/20 Response Memo, and in Response D-10 above. The actual acreage of mitigation required, both onsite and potentially offsite, will be determined by the CDFW during the processing of the ITP. Quoting from Final EIR Response to Comment 10-61, "The CDFW may or may not require additional mitigation as part of the ITP process. However, because the ITP process cannot be completed with the CDFW until after certification of the Project's EIR, it is not possible at this time to determine what, if any, additional mitigation may result from the ITP process." (FEIR p. FEIR-170).

D-12:

The commenter claims that the COTW Project and its Draft REIR should mirror the characterization of habitat and approach used by San Bernardino County for the RSDP. This is not an accurate premise because as documented in the RSDP EIR, the RSDP will permanently or temporarily impact most of the riparian habitats in the immediate area including all of the riparian habitat located in the COTW Project's impact footprint (0.10-acre). As shown in commenter's own October 8, 2020 comment letter, Exhibit D, Figure 1, "Changes to Project Design," and in the illustration that accompanies Response D-4 above, the RSDP will disturb a large swath of land through the middle of the COTW Project site, and eliminate the drainage feature containing

³ <http://www.sbcounty.gov/uploads/lus/environmental/skypark/FINALEIRSKYPARK.pdf>

riparian habitat that exists in the southwestern portion of the COTW Project site (refer to Final EIR Attachment C, pp. 3.C-22 and 23). As noted in Response B-9 of the 9/29/20 Response Memo, 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 in Response A-6 of the 9/29/20 Response Memo, it is not the County's intent to restore riparian habitat in an area planned for disturbance by the COTW Project; this will be reflected in the Ecological Restoration Plan for the RSDP.

D-13:

The commenter states that Andrew's Marble Butterfly has a high potential for occurrence on the COTW Project site in riparian habitat areas. Refer to Response to Comment D-12, which explains that the riparian habitat will be impacted and mitigated by the RSDP and not by the COTW Project.

D-14:

The commenter states that the Bald Eagle is potentially present on the COTW Project site in riparian habitat areas. Refer to Response to Comment D-12, which explains that the riparian habitat will be impacted and mitigated by the RSDP and not by the COTW Project.

D-15:

The commenter states that the American Peregrine Falcon is potentially present on the COTW Project site in riparian habitat areas. Refer to Response to Comment D-12, which explains that the riparian habitat will be impacted and mitigated by the RSDP and not by the COTW Project.

D-16:

The commenter states that the American Badger is potentially present on the COTW Project site in riparian habitat areas. Refer to Response to Comment D-12, which explains that the riparian habitat will be impacted and mitigated by the RSDP and not by the COTW Project.

D-17:

The commenter states that the Ringtail is potentially present on the COTW Project site in riparian habitat areas. Refer to Response to Comment D-12, which explains that the riparian habitat will be impacted and mitigated by the RSDP and not by the COTW Project.

D-18:

The commenter states that the Yellow Warbler is potentially present on the COTW Project site in riparian habitat areas. Refer to Response to Comment D-12, which explains that the riparian habitat will be impacted and mitigated by the RSDP and not by the COTW Project.

D-19:

The commenter repeats a previous comment regarding cumulative impacts to sensitive wildlife species, and to which the County adequately responded. Please refer to Response to Comment B-26 of the 9/29/20 Response Memo.

D-20:

The commenter repeats previous comments regarding impacts to aquatic resources, and to which the County adequately responded. Please refer to Responses to Comments A-6, A-7, B-9, B-14, B-15, and B-16 of the 9/29/20 Response Memo.

D-21:

The commenter repeats previous comments regarding the existence of a perennial spring located north of the COTW property and claims that the COTW Project has the potential to impact the spring. The County adequately addressed this comment in Final EIR Responses to Comments 10-56 and 10C-4 (pp. FEIR-167 and 175) and Responses to Comments A-7 and A-8 of the 9/29/20 Response Memo. Please refer to those responses.

D-22:

The commenter repeats a previous comment claiming that the COTW Project would impact 0.05 acres of jurisdictional waters. As explained in Final EIR Response to Comment 10C-3 (p. FEIR-175) and Response to Comment A-7 of the 9/29/20 Response Memo, the 0.05 acres will be impacted and mitigated by the RSDP and not by the COTW Project. The RSDP will be implemented before the COTW Project 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.

D-23:

The commenter incorrectly states that the COTW Draft REIR does not disclose how much riparian acreage exists on the Project site. Page 3.C-7 of the Draft REIR states that the Project site has approximately 0.10 acre of CDFW streambed/riparian land. The commenter then repeats previous comments and asserts that the COTW Project must mitigate impacts to the 0.10 acre. As explained above in Response to Comment D-6, the RSDP will impact and mitigate for impacts to the 0.10-acre area as part of the RSDP. It is not the County's intent to restore riparian habitat in an area planned for disturbance by the COTW Project; this will be reflected in the Ecological Restoration Plan for the RSDP.

D-24:

The commenter asserts that the Draft REIR lacks support for a conclusion that the Project's cumulative impacts on jurisdictional water would be less than significant. As indicated in Response to Comments D-22 and D-23 above, the COTW Project will not have any impacts on jurisdictional waters; thus, there is no potential for the Project to make a cumulatively considerable contribution to impacts on jurisdictional waters.

D-25:

The commenter asserts that the Draft REIR did not provide a comprehensive cumulative impact analysis for impacts to jurisdictional waters. As indicated in Response to Comments D-22 and D-23 above, the COTW Project will not have any impacts on jurisdictional waters; thus, there is no potential for the Project to make a cumulatively considerable contribution to impacts on jurisdictional waters.

D-26:

The commenter makes the broad assertion that the COTW Project's Draft REIR failed to analyze the Project's impacts on hydrology and water quality and broadly asserts that the Project's Final EIR failed to resolve the

Draft REIR's deficiencies. The commenter does not identify specific deficiencies. This comment is similar to Appeal Comments B-41 through B-43. Refer to Response to Comments B-41 through B-43 of the 9/29/20 Response Memo.

D-27:

The commenter states that Dr. Jennifer Alford commented on the Draft REIR stating that the Draft REIR failed to adequately analyze and mitigate the Project's water quality impacts. This comment is informational and does not raise any environmental concerns. No further response is required.

D-28:

The commenter states that an EIR must delineate a baseline, and points out an error on Draft REIR and Final EIR p. 3.F-4, which incorrectly states that Lake Arrowhead is not identified as having limited or impaired water quality under Clean Water Act (CWA) Section 303(d). The County thanks the commenter for pointing out this error and acknowledges that Lake Arrowhead is indeed impaired by mercury, with no other impairments listed.⁴ This correction is informational and does not raise any significant environmental issues because as explained by Draft REIR Subsection 3.F (pp. 3.F-1 to 30), Final EIR Response to Comments 10-50, 10-64, and W (pp. FEIR-165, 171, and 438), and Responses A-6, A-7, A-8, B-4, B-41, and B-49 of the 9/29/20 Response Memo, the Project is subject to numerous regulatory requirements that mandate the filtering and cleaning of water before discharge from the site. Mandatory compliance with these regulatory requirements ensures that the Project has no potential to significantly impact the water quality of Lake Arrowhead.

D-29:

The commenter includes an excerpt from an email correspondence received by the County from Dr. Alford. The County acknowledges the excerpt and refers the commenter to Response D-28 above.

D- 30:

The commenter claims that the COTW Draft REIR inappropriately relies on compliance with regulatory requirements to address construction-related water quality impacts, and proffers that performance standards must be included. Numerous court cases have held "a condition requiring compliance with environmental regulations is a common and reasonable mitigation measure." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308) and the County is confident that regulatory requirement compliance will adequately address water quality concerns during Project construction. As indicated in Draft REIR Subsection 3.F (p. 3.F-14), the County's Development Code Section 82.13.080 requires that a Soil Erosion and Sediment Control Plan be prepared and implemented. Performance measures are stipulated in the Development Code Section, including but not limited to the use of erosion control and surface flow containment facilities to prevent the discharge of sediment to surface waters or storm drain systems (Section 82.13.080(d)). Section 82.13.080(d) parts (2) and (3) stipulate performance standards based on the permeability rate of soils, for example.⁵ Refer to the County's Development Code Section 82.13.080 for more information. Further, a Storm Water Pollution and Prevention Plan (SWPPP) is required as mandated by Construction General Permit No. 99-08-DWQ issued

⁴ https://www.waterboards.ca.gov/water_issues/programs/tmdl/2012state_ir_reports/00417.shtml#30939

⁵ <http://sbcounty-ca.elaws.us/code/coor t8 d2 ch82.13 sec82.13.080>

by the State Water Resources Control Board.⁶ As indicated in the Construction General Permit requirements, various best management practices (BMPs) are required, depending on the risk level. The General Permit requires the assessment of risk level based on both sediment transport and receiving water risk, and contains requirements for Risk Levels 1, 2 and 3. Risk levels are established by determining two factors: first, calculating the site's sediment risk; and second, receiving water risk during periods of soil exposure (i.e. grading and site stabilization). Both factors are used to determine the site-specific Risk Level(s). Given the location of the COTW Project, the Project's civil engineer (McKeever) anticipates that Risk Level 2 requirements will apply to the COTW Project.⁷ The requirements and performance standards for Risk Level 2 are contained as Attachment D of the Construction General Permit.⁸ Furthermore, the General Permit requires sampling, monitoring, reporting and record keeping, including but not limited to visual monitoring of storm water and non-storm water discharges and the keeping of records of all visual monitoring inspections. The Water Board, as the regulatory agency for the Construction General Permit, provides the regulatory oversight during construction.

D-31:

The commenter asserts that the COTW Project would cause stormwater to discharge into and contaminate Little Bear Creek and Lake Arrowhead. The commenter's suspicion about contamination is incorrect given the numerous mandatory regulatory requirements addressing water quality that COTW must comply with, as previously explained in Draft REIR Subsection 3.F (pp. 3.F-1 to 30), Final EIR Response to Comments 10-50, 10-64, and W (pp. FEIR-165, 171, and 438), and Responses A-7 and B-41 of the 9/29/20 Response Memo. As presented in these materials, and in the Project's Water Quality Management Plan (WQMP) included as Appendix I of Draft REIR *Technical Appendix F* and supplemented by Final EIR Attachment B, the COTW Project will have de minimis and less than significant impacts to Little Bear Creek and Lake Arrowhead. Response to Comment B-42 of the 9/29/2020 Response Memo identifies that the Project area will discharge a reduced flow amount compared to existing conditions. The Project type, being a place of worship as the primary use, is not reasonably expected to have significant pollutants of concern in any quantity on the property, and the changes in on-site runoff volume are negligible. As is stated in the approved WQMP (included as Appendix I of Draft REIR *Technical Appendix F*) and supplemented by Final EIR Attachment B, changes in flow less than 5% of the existing flow are considered negligible. For the Project, the on-site delta in flow is a 1% reduction in flow. BMPs will also substantially reduce the post-developed condition runoff hydrograph, including the time of concentration and peak runoff when compared to the potential resulting post-development hydrograph if no BMPs were incorporated. Hydrologic Condition of Concern (HCOC) performance criteria for time of concentration and peak runoff require matching of pre- and post-developed conditions within 5%, whereas the COTW Project is at 1%. Based on the approved WQMP included as Appendix I of Draft REIR *Technical Appendix F* and supplemented by Final EIR Attachment B, the Project is in compliance with regulations, which are in place to eliminate or reduce pollutant level in stormwater runoff.

D-32:

The commenter states that the COTW Draft REIR did not provide a comprehensive analysis regarding stormwater flows and suggests that the Draft REIR should emulate the analysis approached used in the Sky

⁶ https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wqo_2009_0009_complete.pdf

⁷ E-mail correspondence from McKeever to T&B Planning, October 16, 2020.

⁸ https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wqo_2009_0009_complete.pdf

Park at Santa's Village EIR. The Sky Park project is completely different from the COTW Project. The Sky Park project resulted in direct flow impacts down a major slope.⁹ In comparison, and as documented in Final EIR *Technical Appendices F and F1*, the COTW Project would not result in direct flow impacts and the implementation of the COTW Project would reduce the time of concentration which is key to the conclusion about the Project's less than significant downstream impacts.

D-33:

The commenter repeats an assertion that the COTW Draft REIR lacked evidentiary support for its conclusion that the Project's design features would protect water quality during Project operation. The design features referenced are the Project's required water quality best management practices (BMPs). The Final WQMP prepared to support the building permit process and that is required to be based on the Preliminary WQMP included as Appendix I of Draft REIR *Technical Appendix F* and supplemented by Final EIR Attachment B, requires the inclusion of site-specific geotechnical information, site-specific hydrology information, and site-specific rainfall sizing data provided by the National Oceanic and Atmospheric Administration's National Weather Service to determine the exact specifications of the BMPs. As explained in Response B-46 of the 9/29/2020 Response Memo, the Project's WQMP specifies that site design 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 in Response B-46, 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.¹⁰ 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.

D-34:

The commenter repeats a broad assertion that the COTW Project in conjunction with the RSDP has the potential to increase stormwater runoff and cause cumulative water quality impacts. This comment is repetitive to Comments B-42 and B-43. Refer to Response to Comments B-42 and B-43 of the 9/29/2020 Response Memo.

D-35:

The significance threshold given on Draft REIR p. 3.E-6 considers if the Project would "*impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*" The commenter identifies the same concerns regarding emergency access and evacuation that were identified in Final EIR Comments 10-43 through 10-48 and in Comment B-40. Refer to Final EIR Responses to Comments 10-43 through 10-48 (pp. FEIR-162 to 164) and Response B-40 of the 9/29/2020 Response Memo for responses that adequately address those concerns. In summary, the commenter discusses emergency evacuation for the area and the use of SR-18 as an emergency evacuation route, and then suggests that the CEQA compliance process for the COTW Project should be obligated to study multiple mass evacuation

⁹ <http://www.sbcounty.gov/uploads/lus/environmental/skypark/FINALEIRSKYPARK.pdf>; Appendix K

¹⁰ <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>

scenarios for the entire mountain community. This request goes far beyond the requirements of CEQA. The CEQA Statute and Guidelines require the County to study the environmental effects of constructing and operating the Project, which entails a place of worship that is already operating in the community in a different location and already serving the same population it would serve in its new location. The congregation and visitors to the Project site would use the same evacuation routes that they are currently using under existing conditions, and if they happen to evacuate from the COTW site in its proposed location instead of its existing location, they would be closer and have easier access to SR-18 than occurs under existing conditions in the COTW's current location at 1410 Calgary Drive, Lake Arrowhead. It is unreasonable to suggest that the Project would somehow add to the number of people or vehicles that would need to be evacuated from the area during an emergency, or physically interfere with or impair the evacuation route that would be specified by the US Forest Service, San Bernardino County Sheriff's Department, CalFire, and/or the California Highway Patrol during an emergency, in a way that would lead to significant environmental effects. Again, refer to Final EIR Responses to Comments 10-43 through 10-48 (pp. FEIR-162 to 164). Also, as discussed in Response B-40 of the 9/29/2020 Response Memo, testimony was presented at the January 23, 2020 Planning Commission hearing from CalFire personnel indicating that should a wildlife 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 wildlife defense instead of detrimental as the commenter asserts.

D-36:

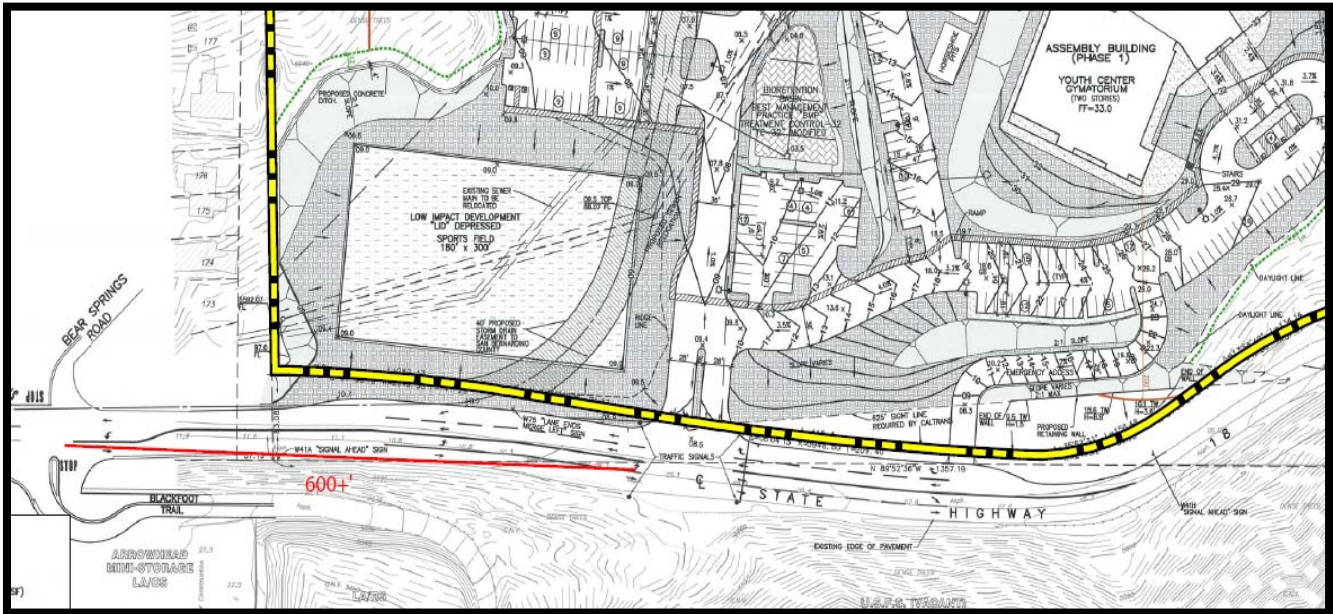
The commenter provides a list of questions that they believe should have been addressed in the Draft REIR. Questions 1, 2, and 3 address mass evacuation of the mountain area and go beyond the scope of evaluation required for the proposed Project, which entails constructing and operating a place of worship that is already serving the community in a different location. Regarding Questions 3 and 4, refer to the COTW Evacuation Plan in Draft REIR *Technical Appendix E1*, and Final EIR Responses 10-43 through 10-48 (pp. FEIR-162 to 164) which demonstrate that the COTW site can be safely evacuated.

D-37:

The commenter introduces more detailed comments about potential transportation hazards. Refer to Responses D-38 and D-39 below for responses to the specific items raised by the commenter.

D-38:

The commenter discusses safety and sight distance for the proposed signalized driveway on SR-18. The commenter notes that based on the design speed, the stopping sight distance should be at least 354 feet or 427 feet if the design speed is 10 mph greater than the posted speed (Caltrans generally uses a design speed of 5 mph greater on mountain roads) for eastbound traffic due to the downhill grade. The calculation of 300 feet included in the Final EIR was incorrect and did not include the widening of the roadway proposed as part of the COTW Project to include the left turn pocket and the acceleration lane. With the proposed Project-related widening for the acceleration lane and the left turn lane into the Project site, the available sight distance is over 600 feet. Please see figure below. It should also be noted that a W14A sign will be installed on SR-18 to warn drivers about the upcoming signal and this sign will be visible farther west of the sign where the roadway does not have significant horizontal curves for over 1,500 feet. For the westbound direction, Caltrans recommended that a sight line of 625 feet be provided. Therefore, sufficient sight distance will be available for westbound traffic.



Source: Translutions, Inc.

D-39:

The comment discusses the visibility of queued vehicles and states that if back of queues were considered, the sight distances are not adequate and states that the stopping sight distance available would be limited to the available sight distance minus (-) the back of queue length (and hence 13 feet). As confirmed by the Project's traffic engineer, Translutions, Inc., drivers react to obstructions when they see the obstruction, rather than the distance from the location of the next intersection downstream of the obstruction.¹¹ As seen on the exhibit provided on the next page and supplied by Translutions, Inc., in the eastbound direction, the available sight distance is over 1,300 feet from the back of queue.

The commenter also discusses icy conditions and its effects on stopping sight distance. Translutions, Inc. agrees that under icy conditions stopping sight distances can be higher, especially on vehicles without anti-lock brakes, electronic traction control, all weather tires, all-wheel drive, or chains, etc. However, as discussed above, the actual available stopping sight distance is over 40% greater than the required stopping sight distance. Caltrans recommends 625 feet and 1,300 feet is provided. In addition, Caltrans restricts traffic on Highway 18 under icy conditions to vehicles capable of handling icy conditions (e.g. equipped with all-wheel drive, chains, etc.).¹²

¹¹ E-mail correspondence from Translutions, Inc. to T&B Planning, October 16, 2020.

¹² <https://dot.ca.gov/travel/winter-driving-tips/chain-controls>



Source: Transultions, Inc.

D-40:

The commenter provides a concluding comment that summarizes prior and more detailed comments about planning and zoning laws and General Plan compliance, and to which the County adequately responded. Refer to Final EIR Response to Comments 10-50, 10-64, and W (pp. FEIR-165, 171, and 438), and Responses A-6, A-7, A-8, B-4, B-41, and B-49 to B-66 of the 9/29/20 Response Memo, as well as Responses D-5 to D-7, above.

D-41:

This is a concluding comment asserting that the Draft REIR is not adequate and requests that the Board of Supervisors reverse the Planning Commission's decision and deny the COTW Project. The commenter's opposition to the proposed Project is noted. During the Appeal Hearing, the County Board of Supervisors will consider the Project, the Draft REIR, the Final EIR, and all of the information in the Project's record, and decide whether or not to approve the Project and certify the Final EIR.