

Comment Letter A – The California Department of Toxic Substances Control



November 14, 2025

Nancy Huynh
Principal Planner
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530
nhuynh@lake-elsinore.org

RE: MITIGATED NEGATIVE DECLARATION FOR DEXTER VILLAGE DATED
NOVEMBER 13, 2025, STATE CLEARINGHOUSE NUMBER [2025110457](#)

Dear Nancy Huynh,

A-1

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for Dexter Village (Project). The proposed Project involves a Tentative Tract Map (TTM-2024-05), Conditional Use Permit (CUP-2024-08), and Residential Design Review (RDR-2024-07). TTM-2024-05 would subdivide the 23.05-acre project site into separate lots for single-family and multi-family residential development that would be constructed in two phases. The single-family residential component would encompass 16.40 acres on the central and southern portions of the site and would be constructed in the first phase. The multi-family residential component would encompass 6.65 acres on the northern portion of the site and would be constructed in the second phase. The project proposes a total of 451 units, including 221 single-family homes and 230 apartments. DTSC recommends and requests consideration of the following comments:

A-2

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs)

A-2
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historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#) for the most recent guidance and screening levels.

A-3

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment Guidance Manual](#). Furthermore, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

A-4

3. The City of Lake Elsinore should consider soil testing as mentioned in comment #1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends the City of Lake Elsinore address the contaminations within the Project area through an Environmental Site Assessment and/or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online

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A-4
cont.

application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact the relevant [Regional Brownfield Coordinator](#) for your Project.

A-5

DTSC would like to thank you for the opportunity to comment on the MND for Dexter Village. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

Sincerely,



Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

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November 14, 2025
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cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
state.clearinghouse@lci.ca.gov

Tim Belzman
Principal Planner / Consulting Firm
HELIX Environmental Planning, Inc
TimB@helixepi.com

James Walters
Managing Director/ Project Applicant
Fairbrook Communities LLC
jwalters@fairbrookcommunities.com

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

City Responses to Comment Letter A

A-1: This comment summarizes the proposed project and introduces the comments addressed in responses A-2 through A-4. Refer to responses A-2 through A-4 below regarding specific comments on the MND. As the comment does not raise any environmental issues with respect to the adequacy of the Draft IS/MND, no further response is required.

A-2: The commenter notes that sites formerly used for agriculture can contain residual contaminants of concern that should be identified and remediated prior to residential development. There is no indication that previous land uses at the project site have resulted in releases of hazardous wastes/substances. A Phase I Environmental Site Assessment (attached as Appendix F) was prepared for the project to assess the historical use of hazardous substances on the project site. Based on a review of historical aerial maps contained in the Phase I Environmental Site Assessment, it appears that a small area in the southern portion of the site was used for small-scale agriculture generally between 1978 and 1990. Additionally, the Phase I ESA states that under normal application practices and with the passage of time, agricultural chemicals typically degrade and no longer pose a health risk. Given the small scope of agricultural uses on the project site and the amount of time that has passed since agricultural use ceased, the Phase I ESA assessed that no further action is required for the site at this time. A brief discussion of this has been added to Section IX, Issue b on page 64 of this Final IS/MND.

A-3: The commenter recommends documentation of the origins of the soil and fill material for the site and states that, if applicable, sampling should be conducted to ensure that the imported soil/fill material is suitable for the intended land use. As discussed in Section II(B) of this Final IS/MND, grading would be balanced on site, resulting in no import or export of soil. The soil and fill import testing measures requested in this comment do not apply to the project. No revisions to the environmental analysis are required.

A-4: The commenter states that the City should consider soil testing, as mentioned in comment A-2, and address any identified contamination through an Environmental Site Assessment or self-certified local agency. As discussed in response A-2 above, a Phase I Environmental Site Assessment was completed for the project which determined that no further action is required for the site at this time. Refer to response A-2 above for more details. No additional revisions to the environmental analysis are required.

A-5: The comment consists of closing statements that do not raise any environmental issues with respect to the adequacy of the Draft IS/MND. No further response is required.

Comment Letter B – The Southern California Gas Company

From: Liao, William <WLiao@socialgas.com>
Sent: Thursday, November 20, 2025 9:34 AM
To: Nancy Huynh <nhuynh@lake-elsinore.org>
Cc: SCG SE Region Redlands Utility Request <SCGSERegionRedlandsUtilityRequest@semprautilities.com>
Subject: FW: RE: Dexter Village

Hi Nancy,

SoCalGas has existing facilities near the Dexter Village project site, along 3rd St and also along Dexter Ave.

Please help us ensure everyone's safety and contact 811 / DigAlert prior to any excavation and/or demolition activities so we can get out to Locate & Mark out our facilities.

If developer needs gas, please have them reach out to our Builder Services group as soon as practicable to begin the application process, at [Builder Services | SoCalGas](#).

Please let me know if you have any questions.

Will Liao
Region Planning Supervisor
Redlands HQ / Southeast Region
Mobile: 840-213-5899

B-1



City Responses to Comment Letter B

B-1: The commenter requests that the applicant notify SoCalGas of any excavation or demolition activities near their existing facilities along 3rd Street and Dexter Avenue and suggests early coordination for any natural gas needs. The City acknowledges this request – SoCalGas would be notified of any excavation or demolition activities near their existing facilities. As the comment does not raise any environmental issues with respect to the adequacy of the Draft IS/MND, no further response is required.

Comment Letter C – Supporters Alliance for Environmental Responsibility



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
brian@lozeaudrury.com

Via Email

December 10, 2025

Nancy Huynh, Principal Planner
Planning Division
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530
nhuynh@lake-elsinore.org

Re: Comment on Mitigated Negative Declaration, Dexter Village (SCH No. 2025110457)

Dear Ms. Huynh:

C-1 | This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility (“SAFER”) regarding the Initial Study and Mitigated Negative Declaration (“IS/MND”) prepared for Dexter Village (SCH No. 2025110457), which proposes the development of 221 single family homes and 230 apartments bounded by Third Street on the northwest, Dexter Avenue on the southwest, Second Street on the southeast, and Cambern Avenue (unpaved) on the northeast (APNs 377-090-013, -037, -039, -040) in the City of Lake Elsinore (“Project”).

C-2 | SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND’s failure to adequately assess the Project’s potentially significant environmental impacts. SAFER requests that an environmental impact report (EIR) be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.

C-3 | SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

A handwritten signature in blue ink that reads "Brian B. Flynn".

Brian B. Flynn
Lozeau Drury LLP

City Responses to Comment Letter C

C-1: This comment contains introductory statements and summarizes the proposed project, but does not raise any environmental issues with respect to the adequacy of the Draft IS/MND. No further response is required. Refer to responses C-2 and C-3 below regarding specific comments on the Draft IS/MND.

C-2: The comment states that the Draft IS/MND fails to adequately assess potentially significant impacts to the environment, and requests preparation of an Environmental Impact Report (EIR) because there is a fair argument that the project may have adverse environmental effects. However, no specifics, facts, or other evidence is provided to support this assertion. The conclusions and supporting analysis contained in the Draft IS/MND that state the proposed project would not result in significant environmental effects are supported by substantial evidence contained in the record. Project impacts are adequately analyzed and assessed based on established methodologies and identified CEQA significance thresholds. Where potentially significant impacts are identified, feasible mitigation measures are identified that would avoid or reduce impacts to below a level of significance.

C-3: The City acknowledges the ability for the commenter to supplement comments prior to final hearings on the project.

Comment Letter D – Santa Ana Regional Water Quality Control Board



Santa Ana Regional Water Quality Control Board

December 4, 2025

VIA EMAIL ONLY: nhuynh@lake-elsinore.org

Nancy Huynh
City of Lake Elsinore
130 S Main St,
Lake Elsinore, CA 92530

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, DEXTER VILLAGE PROJECT (STATE CLEARINGHOUSE (SCH) NO. 2025110457)

Dear Nancy Huynh:

D-1

Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) staff have reviewed the Initial Study/Mitigated Negative Declaration for the Dexter Village Project (Project). The Project would subdivide an approximately 23.05-acre site for a single-family and multi-family residential development in the City of Lake Elsinore. The Project site is bound by Third Street on the northwest, Dexter Avenue on the southwest, Second Street on the southeast, and Cambern Avenue (unpaved) on the northeast.

We are providing the following comments for consideration:

Comment # 1:

D-2

The Santa Ana Water Board has the authority to regulate the discharge of dredged and fill materials to waters of the State under section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act. The State Water Resources Control Board adopted the [State Wetland Definition and Procedures for the Discharge of Dredged or Fill Material to Waters of the State](#), (Procedures), which include the State Supplemental Dredge or Fill Guidelines. Applicants proposing to discharge dredged or fill materials to waters of the State are required to comply with the Procedures unless an exclusion applies, or the discharge qualifies for coverage under a General Order.

Under the Procedures, the Santa Ana Water Board has the discretion to approve a project only if the applicant has demonstrated a sequence of actions have been taken to avoid, then minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized to waters of the State.

KRIS MURRAY, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside 92501-3339 | www.waterboards.ca.gov/santaana

December 4, 2025

- Comment # 2:**
- D-3 According to Appendix B (Western Riverside County Species Habitat Conservation Plan Biological Resource Compliance Analysis), no waters of the State occur on the Project site. A field visit on September 20, 2023, identified two areas of topographic relief and low points. However, it was determined that these areas did not exhibit a bed and bank and, and do not meet the definition of waters of the United States or waters of the State. The existing conditions section notes that the Project site undergoes annual disking.
- Following a desktop review of historical aerial imagery, Santa Ana Water Board staff have determined that there is potential for the Project site to contain waters of the State. Santa Ana Water Board staff request that a field survey be conducted during the wet season, and prior to any disking activities, to document the presence or absence of hydrological indicators.
- D-4 If you have any questions regarding this letter, please contact me via email at Claudia.Tenorio@waterboards.ca.gov.

Sincerely,

 Claudia Tenorio
2025.12.04
17:32:11 -08'00'
Water Boards

Claudia Tenorio
Senior Environmental Scientist (Supervisory)
Regional Planning Programs Section
Santa Ana Regional Water Quality Control Board

cc:

HELIX Environmental Planning, Inc., Tim Belzman – TimB@helixepi.com
California Department of Fish and Wildlife, Region 6 – R6LSA@wildlife.ca.gov,
California Department of Fish and Wildlife, Carly Beck – carly.beck@wildlife.ca.gov
Santa Ana Water Board, Jagroop Khela – Jagroop.Khela@waterboards.ca.gov

City Responses to Comment Letter D

D-1: This comment contains introductory statements and summarizes the proposed project, but does not raise any environmental issues with respect to the adequacy of the Draft IS/MND. No further response is required.

D-2: This comment summarizes the role and authority of the Santa Ana Water Board, but does not raise any environmental issues with respect to the adequacy of the Draft IS/MND. No further response is required.

D-3: The commenter requests a field survey to document the presence or absence of hydrological indicators for waters of the State. The presence or absence of hydrological indicators has already been assessed for the project site in conjunction with the formal jurisdictional delineation. As discussed in Section IV, Issue c of the Draft IS/MND, a Biological Resources Compliance Analysis was completed for the project to assess the potential for jurisdictional features on the project site and is attached as Appendix B to this Final IS/MND. A formal jurisdictional delineation was conducted on the project site and a surrounding 300-foot area on September 20, 2023 to identify potential wetland and non-wetland waters of U.S. under the jurisdiction of the U.S. Army Corps of Engineers, potential wetland and non-wetland waters of the State under the jurisdiction of the Regional Water Quality Control Board, and streambed and riparian habitat subject to the regulatory jurisdiction of the CDFW. No jurisdictional features were identified on the project site. No additional analysis is required.

D-4: The comment consists of closing statements that do not raise any environmental issues with respect to the adequacy of the Draft IS/MND. No further response is required.

Comment Letter E – Riverside County Flood Control and Water Conservation District

JASON E. UHLEY
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org

265840

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

November 10, 2025

Mr. Yu Tagai
City Engineer
City of Lake Elsinore
130 S Main Street
Lake Elsinore, CA 92530

Dear Mr. Yu Tagai:

Re: Dexter Village, TTM 38512
Tentative Review No. 2
Account No. 137-0-3-90387

As requested by the City of Lake Elsinore (City), the Riverside County Flood Control District (District) received the following for review on September 23, 2025:

1. September 18, 2025, Dexter Village Civil Package;
2. Dexter Village - Drainage Report;
3. Dexter Village 78" Storm Drain Plan and Profile Exhibit;
4. Dexter Village District Truck Turning Exhibit; and
5. Response to Comments Letter.

The District's review is limited to the development of conditions of approval for the submitted plans as it relates to the proposed District facilities. It is the District's understanding that water quality aspects of the plan and drainage facilities to be maintained by the City or other public/private entities will be reviewed by the City.

GENERAL CONDITIONS/FLOOD HAZARD REPORT

TTM 38512, referred to as "Dexter Village", proposes to construct new apartment building units, single family home units, drive aisles, parking lot areas, storm drain facilities and underground utilities. The 22.9-acre site is generally bound by undeveloped land to the north, Dexter Avenue to the south, 3rd Street to the west and 2nd Street to the east. Existing access to the site is currently provided from Dexter Avenue, 3rd Street and 2nd Street.

E-1

The project would include the construction of an inlet structure and about 1,200 LF of 78" RCP storm drain that would connect to the existing District's 78" RCP stub out within Third Street (Third Street Channel Stage 2, Drawing No. 3-0210). This is consistent with the "Third Street Drainage Improvements – Technical Drainage Study" dated February 13, 2018 and prepared by Michael Baker International for the City which proposes the 78" RCP Dexter Avenue Lateral to convey the 100-year flowrate of 382 cfs.

The area is generally sloped to drain toward the southwest. In the existing condition, about 15.5 acres of the western onsite area drains to the southwest and across Dexter Avenue; there is a minor ridge across the site and the remaining 7.5-acre eastern onsite area drains southerly to a sump near the intersection of Dexter Avenue and 2nd Street where flows pond and sheet flow across Dexter Avenue. The site is impacted by about 167.3 acres of offsite flows from the northeast. The offsite area consists of both 1/4-acre residential lots and undeveloped area with rolling hills to the east of the watershed. The offsite flow impacting the project site is estimated to have a 100-year flowrate of approximately 320 cfs when applying a cfs/ac yield ratio to the Dexter Lateral 100-year flowrate determined in the aforementioned "Third Street Drainage Improvements – Technical Drainage Study."

The project proposes to collect and convey onsite flows via curb and gutter and a storm drain network within the private streets. Storm drains range in size from 18" to 36" and are to be privately maintained by the homeowners association (HOA). Onsite flows on the western portion of the site will be conveyed to one of the proposed HOA-maintained water quality bioretention/detention basins to mitigate onsite flows to meet the downstream design 100-yr Q of the proposed 78" RCP within Dexter Avenue. Flows from the eastern portion of the site will drain to a HOA-maintained infiltration basin which is proposed to fully capture the storm volumes

Mr. Yu Tagai
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of all storms aside from the 100-year 24-hour storm, which is proposed to have the excess flow bypass the infiltration basin using a proposed spillway and surface flow to Dexter Avenue where an Arizona crossing is proposed at the existing low point along with the project street improvements. These facilities include connections to underground detention or infiltration basins (please note that direct connections from underground detention facilities capable of routing down the 100-year flow to District facilities are prohibited unless publicly (city) maintained).

The development of this site would increase 100-year peak flow rates from the existing condition that exceed the design flowrate of the 78" proposed storm drain within Dexter Avenue. Onsite 100-year route down mitigation shall be required to meet the Dexter Lateral design flowrate. A proposal for mitigation of the increase of peak flow rates has been shown on the site plan and included with the land use application. Calculations supporting the adequacy of the mitigation feature have been submitted to the District for review. The flood routing calculations for proposed Basin No. 1 and No. 2 are reliant on underground storage in order to mitigate the developed flowrates to the existing condition. These facilities will dewater through a privately owned and maintained storm drain system, which will first connect to the city owned and maintained storm drains before discharging to the District storm drain within Dexter Avenue. The underground detention basins is acceptable due to the City-maintained storm drain in between the underground mitigation basin and the District's facility. The above ground portion of the basin shall be designed per Appendix C – Basin Guidelines of Design Handbook for Low Impact Development Best Management Practices, which can be found at <https://rwwatershed.org/permittees/riverside-county-lid-bmp-handbook/#93-96-appendices>.

The project proposes to protect the site from offsite flows by collecting flows from the natural watercourse with a 100-year flowrate of 320.3 cfs where it crosses the project boundary and directing them to the proposed 78" RCP inlet and headwall structure. A iron rod fence is proposed at the property boundary here to allow for flow through and further review of the fencing design will be completed in final engineering. Rock slope protection is provided to protect the inlet collection structure area from erosion. The proposed invert access ramps exceed 10%, therefore, the access ramps shall be paved with grouted Class I Rock (per Caltrans Section 72- 3.02C). A secondary invert access ramp is proposed to provide through access to the maintenance equipment rather than providing a turnaround within the invert area. Any necessary modifications to the inlet structure design and maintenance access can be addressed in final engineering. District maintenance access needs are described in HDM Section 6.2.12.3 Inlet and Outlet Maintenance Access.

E-1
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The offsite flow is proposed to be conveyed through the site by a 78" RCP, which proceeds southerly and is aligned within private 'Street C' and an alleyway before proceeding westerly within Dexter Avenue public right of way to connect with the existing District facility, Third Street Channel Stage 2. Onsite drainage facilities located outside of the road right of way should be contained within drainage easements. The tentative tract map shows a 30'-wide drainage easement over the 78" RCP where it is contained within 'Street C' and a 28'-wide drainage easement where it proceeds down the alleyway. The preliminary profile for this storm drain shows that the maximum cover over the pipe is about 10', which allows for a minimum 28'-wide drainage easement per to the 'Storm Drain Easement Widths' table, which can be found at <https://reflood.org/engineering-tools>. Any additional cover over the pipe would require a larger drainage easement so the cover cannot exceed 10' with the current available alley width.

Maintenance access will need to be provided through the site. A minimum width of 20' for the driving path and an inside radius of 50' for turns shall be provided. It a minimum width of 24' is provided throughout Street "B", "C", "D" and "E" and a truck turning template has been provided. A 20' by 110' pullout area has been provided outside of the traveled way of Street "D", and the pathways to the invert ramps on either side of the inlet area are proposed to be concreted for the unloaded equipment to drive on.

The project proposes to mitigate generated onsite flows to an acceptable level to remain consistent with the design flowrate determined by the "Third Street Drainage Improvements – Technical Drainage Study". Where the 78" RCP enters public right of way, the design flowrate shall be 382 cfs as described in the "Third Street Drainage Improvements – Technical Drainage Study" as additional area to the south is tabled to drain to this lateral. The proposed alignment of the 78" RCP differs from the City adopted Lake Elsinore MDP but does not

Mr. Yu Tagai
 Re: Dexter Village, TTM 38512
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stop the progression of the MDP and allows for the flow collection of the area south of Dexter Avenue planned for this line. The proposed 78" RCP will be a future District maintained and operated facility and shall be designed according to District standards.

The construction of the flood control facilities that are associated with this project may require a CEQA document, particularly the inlet design and maintenance area for the inlet. If needed, the CEQA document (i.e., Notice of Exemption, Initial Study/Mitigated Negative Declaration or Environmental Impact Report) should include a description and environmental analysis of any new flood control facilities that will be constructed as part of the project or existing flood control facilities that will be impacted as a result of the project. Please note that if a draft CEQA document is submitted, the final adopted or certified CEQA document will also need to be provided to the District prior to final District acceptance of the flood control facilities.

The purpose of entitlement drainage review is to ensure drainage is addressed at a planning level to protect the site from off-site flows in the existing, interim and ultimate conditions, accommodate right of way for proposed drainage facilities, provide an adequate outlet, not adversely affect adjacent properties, properly floodproof structures and potentially mitigate for increases in runoff. Detailed analyses during the final design may result in changes to assumptions made during entitlement phase, such as, revisions to facility sizes, inlet and outlet requirements, revisions to hydrology and/or hydraulic parameters, etc.

RECOMMENDED CONDITIONS OF APPROVAL

PRIOR TO MAP RECORDATION

SIX ITEMS FOR DISTRICT OPERATION AND MAINTENANCE OF FACILITY(IES)

Inspection and maintenance of the flood control facility(ies) to be constructed with this development must be performed by either the City or the Flood Control District. THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE MUST OBTAIN CONFIRMATION THAT ONE OF THESE AGENCIES WILL ACCEPT THE PROPOSED SYSTEM FOR OWNERSHIP, OPERATION AND MAINTENANCE. In the event the District is willing to maintain the proposed facility(ies), the following six (6) items must be accomplished prior to the issuance of a grading permit or starting construction of the drainage facility(ies) whichever comes first:

E-2

1. Plans shall be prepared in strict accordance with District drafting, engineering, operations and maintenance standards.
2. The applicant shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way that is to be conveyed to the District and shall secure that right of way to the satisfaction of the District. All right of way transfer issues shall be coordinated with the District's Plan Check Section.
3. The applicant shall enter into an agreement establishing the terms and conditions of inspection, operations and maintenance with the District and any other maintenance partners. The applicant shall submit a completed Application for Agreement Preparation to the District's Contract Services Section.
4. Environmental Documents and Regulatory Permits: Applicants must provide any and all environmental documents required for construction and operation and maintenance of the flood control facility(ies) to the District for review. The District will need to ensure that any environmental conditions that have been placed on the applicant's project does not adversely affect operation and maintenance of existing District facilities or prohibit routine operation and maintenance of future District-owned facilities. Routine maintenance activities for flood control facility(ies) to be conveyed to the District should be discussed with the District as early as possible to ensure they do not impose conditions that would encumber proper facility operation and maintenance. Please note that if routine maintenance activities required by the District for the flood control facility(ies) are not described in the regulatory permits that are issued for the project, the District may require that appropriate permits be provided prior to final acceptance and release of bonds. The District will not accept a facility without appropriate regulatory permits in place or if infeasible permit conditions are imposed on operation and maintenance activities.
5. Plans for the facility must be signed by the District's General Manager-Chief Engineer; the plans will not be signed prior to execution of the above referenced agreement.

Mr. Yu Tagai
 Re: Dexter Village, TTM 38512
 Tentative Review No. 2
 Account No. 137-0-3-90387

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6. A pre-construction meeting shall be scheduled with the District's Construction Management Section. Prior to scheduling the pre-construction meeting, the applicant must submit proof of flood control facility bonds and a certificate of insurance to the District's Contract Services Section.

ONSITE EASEMENT ON FINAL MAP

Onsite drainage facilities located outside of road right of way shall be contained within drainage easements shown on the Final Map. A note shall be added to the Final Map stating: "Drainage easements shall be kept free of all buildings and obstructions."

SUBMIT PLANS

Submit storm drain plans, the hydrologic and hydraulic report, and reference material, including, but not limited to, street improvement plans, grading plans, utility plans, the approved tentative map or site plan, the final map and the environmental constraint sheet, the geotechnical soils report and environmental documents (CEQA, federal and state permits). The storm drain plans and the hydrologic and hydraulic report must receive District approval prior to the grading final inspection or building permit whichever occurs first. All submittals shall be date stamped by the engineer and include a Plan Check Application, Flood Control Deposit Based Fee Worksheet, and a plan check fee deposit (all found on the District's website <https://reflood.org/submit-plan-check>).

PRIOR TO GRADING

SIX ITEMS FOR DISTRICT OPERATION AND MAINTENANCE OF FACILITY(IES)

Inspection and maintenance of the flood control facility(ies) to be constructed with this development must be performed by either the City or the Flood Control District. THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE MUST OBTAIN CONFIRMATION THAT ONE OF THESE AGENCIES WILL ACCEPT THE PROPOSED SYSTEM FOR OWNERSHIP, OPERATION AND MAINTENANCE. In the event the District is willing to maintain the proposed facility(ies), the following six (6) items must be accomplished prior to the issuance of a grading permit or starting construction of the drainage facility(ies) whichever comes first:

1. Plans shall be prepared in strict accordance with District drafting, engineering, operation and maintenance standards.
2. The applicant shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way that is to be conveyed to the District and shall secure that right of way to the satisfaction of the District. All right of way transfer issues shall be coordinated with the District's Plan Check Section.
3. The applicant shall enter into an agreement establishing the terms and conditions of inspection, operation and maintenance with the District and any other maintenance partners. The applicant shall submit a completed Application for Agreement Preparation to the District's Contract Services Section.
4. Environmental Documents and Regulatory Permits: applicants must provide any and all environmental documents required for construction and operation and maintenance of the flood control facility(ies) to the District for review. The District will need to ensure that any environmental conditions that have been placed on the applicant's project does not adversely affect operation and maintenance of existing District facilities or prohibit routine operation and maintenance of future District-owned facilities. Routine maintenance activities for flood control facility(ies) to be conveyed to the District should be discussed with the District as early as possible to ensure they do not impose conditions that would encumber proper facility operation and maintenance. Please note that if routine maintenance activities required by the District for the flood control facility(ies) are not described in the regulatory permits that are issued for the project, the District may require that appropriate permits be provided prior to final acceptance and release of bonds. The District will not accept a facility without appropriate regulatory permits in place or if infeasible permit conditions are imposed on operation and maintenance activities.
5. Plans for the facility must be signed by the District's General Manager-Chief Engineer; the plans will not be signed prior to execution of the above referenced agreement.

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Mr. Yu Tagai
 Re: Dexter Village, TTM 38512
 Tentative Review No. 2
 Account No. 137-0-3-90387

-5-

November 10, 2025

6. A pre-construction meeting shall be scheduled with the District's Construction Management Section. Prior to scheduling the pre-construction meeting, the applicant must submit proof of flood control facility bonds and a certificate of insurance to the District's Contract Services Section.

SUBMIT PLANS

Submit storm drain plans, the hydrologic and hydraulic report, and reference material, including, but not limited to, street improvement plans, grading plans, utility plans, the approved tentative map or site plan, the final map and the environmental constraint sheet, the geotechnical soils report and environmental documents (CEQA, federal and state permits). The storm drain plans and the hydrologic and hydraulic report must receive District approval prior to the grading final inspection or building permit whichever occurs first. All submittals shall be date stamped by the engineer and include a Plan Check Application, Flood Control Deposit Based Fee Worksheet, and a plan check fee deposit (all found on the District's website <https://reflood.org/submit-plan-check>).

PRIOR TO BUILDING PERMIT

SIX ITEMS FOR DISTRICT OPERATION AND MAINTENANCE OF FACILITY(IES)

Inspection and maintenance of the flood control facility(ies) to be constructed with this development must be performed by either the City or the Flood Control District. THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE MUST OBTAIN CONFIRMATION THAT ONE OF THESE AGENCIES WILL ACCEPT THE PROPOSED SYSTEM FOR OWNERSHIP, OPERATION AND MAINTENANCE. In the event the District is willing to maintain the proposed facility(ies), the following six (6) items must be accomplished prior to the issuance of a grading permit or starting construction of the drainage facility(ies) whichever comes first:

1. Plans shall be prepared in strict accordance with District drafting, engineering, operations and maintenance standards.
2. The applicant shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way that is to be conveyed to the District and shall secure that right of way to the satisfaction of the District. All right of way transfer issues shall be coordinated with the District's Plan Check Section.
3. The applicant shall enter into an agreement establishing the terms and conditions of inspection, operation and maintenance with the District and any other maintenance partners. The applicant shall submit a completed Application for Agreement Preparation to the District's Contract Services Section.
4. Environmental Documents and Regulatory Permits: Applicants must provide any and all environmental documents required for construction and operations and maintenance of the flood control facility(ies) to the District for review. The District will need to ensure that any environmental conditions that have been placed on the applicant's project does not adversely affect operation and maintenance of existing District facilities or prohibit routine operations and maintenance of future District-owned facilities. Routine maintenance activities for flood control facility(ies) to be conveyed to the District should be discussed with the District as early as possible to ensure they do not impose conditions that would encumber proper facility operation and maintenance. Please note that if routine maintenance activities required by the District for the flood control facility(ies) are not described in the regulatory permits that are issued for the project, the District may require that appropriate permits be provided prior to final acceptance and release of bonds. The District will not accept a facility without appropriate regulatory permits in place or if infeasible permit conditions are imposed on operations and maintenance activities.
5. Plans for the facility must be signed by the District's General Manager-Chief Engineer; the plans will not be signed prior to execution of the above referenced agreement.
6. A pre-construction meeting shall be scheduled with the District's Construction Management Section. Prior to scheduling the pre-construction meeting, the applicant must submit proof of flood control facility bonds and a certificate of insurance to the District's Contract Services Section.

E-2
 cont.

Mr. Yu Tagai
Re: Dexter Village, TTM 38512
Tentative Review No. 2
Account No. 137-0-3-90387

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November 10, 2025

E-2
cont.**SUBMIT PLANS**

Submit storm drain plans, the hydrologic and hydraulic report, and reference material, including, but not limited to, street improvement plans, grading plans, utility plans, the approved tentative map or site plan, the final map and the environmental constraint sheet, the geotechnical soils report and environmental documents (CEQA, federal and state permits). The storm drain plans and the hydrologic and hydraulic report must receive District approval prior to the grading final inspection or building permit whichever occurs first. All submittals shall be date stamped by the engineer and include a Plan Check Application, Flood Control Deposit Based Fee Worksheet, and a plan check fee deposit (all found on the District's website <https://reflood.org/submit-plan-check>).

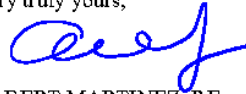
**PRIOR TO OCCUPANCY
FACILITY COMPLETION**

The District recommends not to release occupancy permits for any commercial lots prior to the District's acceptance of the drainage system for operation and maintenance.

E-3

Any questions pertaining to this project can be directed to Olivia Pearson at 951.955.1283 or opearson@rivco.org.

Very truly yours,



ALBERT MARTINEZ, P.E.
Chief of Developer Services Division

cc: Fairbrook Communities
Attn: James Walters
Proactive Engineering Consultants
Attn: Eugene Abrego

OP:bjj

City Responses to Comment Letter E

E-1: This comment contains introductory statements and summarizes the proposed project, but does not raise any environmental issues with respect to the adequacy of the Draft IS/MND. No further response is required.

E-2: This comment request certain actions be taken for operation and maintenance of Riverside County Flood Control and Water Conservation District (District) facilities, including submittal of environmental documents to District for review, notation of drainage easements on final maps, and submittal of storm drain and hydrological plans to the District for approval. These requests are standard District requirements. All required coordination with the District would be completed as part of the permit approval process, as enforced through the project's conditions of approval. No further response is required.

E-3: The comment consists of closing statements that do not raise any environmental issues with respect to the adequacy of the Draft IS/MND. No further response is required.

Comment Letter F – Riverside County Flood Control and Water Conservation District

JASON E. UHLEY
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org
266323

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

December 12, 2025

City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Attention: Nancy Huynh

Re: PA 2024-15, TTR 38512, (TTM-2024-05)
CUP 2024-08, RDR 2024-07
APNs 377-090-013, 377-090-037
377-090-039 and 377-090-040

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received November 14, 2025. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

F-1

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, namely the 78-inch RCP Dexter Avenue Lateral to Third Street Channel Stage 2. The District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved

City of Lake Elsinore

- 2 -

December 12, 2025

Re: PA 2024-15, TTR 38512, (TTM-2024-05)
CUP 2024-08, RDR 2024-07
APNs 377-090-013, 377-090-037
377-090-039 and 377-090-040

266363

by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

- This project is located within the limits of the District's Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Third Street Channel. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments and recommended conditions of approval dated November 10, 2025 are still valid.

GENERAL INFORMATION

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document, and/or Mitigation Monitoring and Reporting Program, and with all other federal, state, and local environmental rules and regulations that may apply, such as, but not limited to, the Multiple Species Habitat Conservation Plan (MSHCP), Sections 404 and 401 of the Clean Water Act, California Fish and Game Code Section 1602, and the Porter Cologne Water Quality Control Act. The District's action associated with the subject project triggers evaluation by the District with respect to the applicant's compliance with federal, state, and local environmental laws. For this project, the Lead Agency is the agency in the address above, and the District is a Responsible Agency under CEQA. The District, as a Co-permittee under the MSHCP, needs to demonstrate that all District related activities, including the actions identified above, are consistent with the MSHCP. This is typically achieved through determinations from the CEQA Lead Agency (if they are also a Co-permittee) for the project. For the MSHCP, the District's focus will be particular to Sections 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.3.7, 7.5.3, and Appendix C of the MSHCP. Please include consistency determination statements from the Lead Agency/Co-permittee for the project for each of these sections in the CEQA document. The District may also require that an applicant provide supporting technical documentation for environmental clearance.

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

Very truly yours,



AMY MCNEILL
Engineering Project Manager

F-1
cont.

EM:yt

City Responses to Comment Letter F

F-1: The commenter notes that the project's proposed stormwater connections could be considered an extension of the District's 78-inch RCP Dexter Avenue Lateral to Third Street Channel Stage 2, and operation and maintenance of the facilities must be coordinated with the District. An encroachment permit would also be required and mitigation would be needed should any proposed storm drain connection exceed the hydraulic performance of the existing drainage facilities. The project would add the following condition of approval to address this requirement: "The applicant must obtain an encroachment permit for any construction related activities occurring within the Riverside County Flood Control and Water Conservation District right of way or facilities, namely, the 78-inch RCP Dexter Avenue Lateral to Third Street Channel Stage 2. If, during the encroachment permit process, it is determined that any proposed storm drain connections would exceed the hydraulic performance of the existing drainage facility, flow reduction measures would be required to the satisfaction of the District." A brief discussion of this condition of approval has been added to Section X, issue c, number iii on page 67 of this Final IS/MND.

Responses to SAFER Comment Letter

On January 16, 2026, the City of Lake Elsinore (City) received a comment letter from Lozeau Drury LLP on behalf of Supports Alliance For Environmental Responsibility (SAFER) arguing that the Mitigated Negative Declaration (MND) for the Dexter Village Project (project) is inadequate due to unaddressed potential impacts to biological resources and air quality, and that an Environmental Impact Report (EIR) is required. The responses below address the primary concerns from the submitted letter, which is attached.

Biological Resources

Pages 4 through 10 of the comment letter assert that:

1. An EIR is Required Due to a Fair Argument that the Project May Result in Significant Impacts to Biological Resources.
 - a. The MND fails to adequately assess the baseline conditions for biological resources on the Project site.
 - b. The MND failed to disclose and mitigate the Project's impacts on habitat loss, wildlife movement, traffic-wildlife collisions, cat predation, bird-window collisions, and cumulative impact.
 - c. The MND's proposed mitigation measures for biological resources are inadequate.

Response:

1. Refer to responses to a through c below regarding the adequacy of the existing analysis. The MND adequately assesses baseline conditions, identifies the potential biological impacts of the project, and identifies mitigation measures to reduce potential impacts to a less than significant level.
 - a. The project's biological analysis follows standard practices to determine baseline conditions, including a literature review and field survey. In addition, the MND identifies mitigation consisting of pre-construction surveys for burrowing owl and nesting birds to ensure that updated surveys for the identified species with potential to occur on the project site would be conducted prior to construction (MM BIO-1 and MM BIO-2). The commenter's claim that additional sensitive species would be identified with additional surveys is based on a linear regression that reaches a theoretical maximum number of potential species on the site. This calculation is not based on project-specific information and is speculative. The existing analysis was conducted according to the procedures outlined in the CEQA Guidelines and by the City, and the baseline conditions used in the MND are adequate.
 - b. The project is not located within an MSHCP designated core, extension of existing core, non-contiguous habitat block, constrained linkage, or linkage area. The Pacific Flyway is large regional migration pathway. The project would not prohibit the use of the Pacific Flyway by migrating birds. CEQA requires an analysis of reasonably foreseeable direct/indirect effects of a project and requires a factual nexus between a project and biological impacts. The commenter uses general data that is not specific to the project site or the project location to make claims about traffic-wildlife collisions, cat predation, and bird-window collisions. An analysis of these issues is not required under the CEQA Guidelines or by the City, and the commenter uses speculative claims and data that do not

provide substantial evidence that suggests an EIR is required. CEQA does not require proof that a regional plan or regulation fully achieves its biological protection goals before it can be relied upon for an impact analysis. The project follows the relevant processes to provide a basis of substantial evidence for the project's significance conclusion (surveys, fees, avoidance, etc.) and identifies mitigation when necessary to reduce potential impacts to a less than significant level. The project's cumulative impact analysis is sound.

- c. The commenter asserts that the project's mitigation measures are inadequate because they rely on the MSHCP; pre-construction surveys for burrowing owl (MM-BIO-1) are premature; construction during the nesting season must be avoided to only the "maximum extent feasible" (MM-BIO-2); and three days is not enough time to identify all avian nest sites (MM-BIO-2). The mitigation measures do not rely on the MSHCP; they require consultation with CDFW (MM-BIO-1) and compliance with the Migratory Bird Treaty Act and the California Fish and Game Code (MM-BIO-2). The burrowing owl surveys in MM-BIO-1 are required to be conducted within 30 days of project construction to ensure that there are no active burrows on the site. Breeding season surveys are not required because, even if a breeding season survey were completed, a pre-construction survey would still be needed to identify the current status of burrowing owls on the site before construction could begin. MM-BIO-2 encourages avoidance of construction during the nesting season to the maximum extent feasible, but if construction must occur during the nesting season, MM-BIO-2 describes the pre-construction survey that must be completed for nesting birds. Potential impacts to nesting birds would be adequately mitigated under MM-BIO-2. Finally, pre-construction surveys for nesting birds (MM-BIO-2) are required *within* three days of project construction, not across three days. This is to identify the most current nests on the project site before construction begins. The project site contains mostly low-lying grasses with occasional trees and shrubs. One survey would be sufficient to identify the current nests on the project site. The mitigation measures were formulated by qualified biologists with expert knowledge of the species identified in those mitigation measures. The mitigation measures are adequate.

Air Quality

Pages 10 through 12 of the comment letter assert that:

1. An EIR is Required Due to a Fair Argument that the Project May Result in Significant Health Impacts from Emissions of Diesel Particulate Matter
2. An EIR is Required Due to a Fair Argument that the Project May Result in Significant Emissions of ROGs

Response:

1. This comment suggests that the air quality analyses are inconsistent with OEHHA recommendations for technical review. It is noted that the commenter's concern over potential impacts is based on an AERSCREEN model. The purpose of the AERSCREEN model is to screen for the possibility of a potential impact. A number of points need to be made regarding such a modeling approach.

First, the AERSCREEN model is widely acknowledged (including by the USEPA) as being conservative (see <https://www.epa.gov/scram/air-quality-dispersion-modeling-screeningmodels#aerscreen> and

https://gaftp.epa.gov/Air/aqmg/SCRAM/models/screening/aerscreen/aerscreen_userguide.pdf).

AERSCREEN does not account for spatial relation, geography, or local meteorology. It looks at a hypothetical sensitive receptor located within 100 meters and assesses impact as if that receptor is downwind of the source. Rather than being precise about source and receptor locations (both of which are critical in assessing real potential impact), it simply takes the worst-case emissions information (regardless of where it would be generated on site and whether it would move over time) and assumes that there is a receptor within 100 meters, regardless of whether or whether airflow actually goes in that direction. For this reason, the AERSCREEN run completed in support of the comment overestimates the potential concentration of TACs and, therefore, the corresponding health risk values. The project's emissions modeling was conducted consistent with industry standards, and no exceedance of the identified pollutant thresholds were identified; therefore, no HRA is required.

Furthermore, though OEHHA's guidance recommends evaluation of short-term projects, that guidance supports HRAs written for the purpose of AB2588 inventories and focuses on stationary sources associated with facilities such as automobile body shops, gasoline service stations, power plants, or treatment facilities. Any given construction activity resulting in emissions would occur on a given portion of the over 23-acre site for a relatively short duration. For instance, a grader may be operating within 100 meters to the closest receptor on a given day, but the next it could very well be on the other side of the site over a quarter-mile away. This is not a stationary source.

OEHHA's guidance recognizes that "The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for shortterm projects such as construction or waste remediation." The analysis contained within the Draft IS/MND and Air Quality and Greenhouse Gas Emissions Technical Report are not intended to support permitting decisions by the local air district.

There are also issues associated with the information entered into the AERSCREEN model by the commenter. For instance, the screening modeling undertaken by the commenter modeled both on- and off-site exhaust PM10 emissions as occurring on site. This has the effect of overestimating emissions that would occur on site and would therefore result in increased concentrations at the downwind sensitive receptor. Not only would the off-site PM10 exhaust emissions occur farther away from the site itself, and therefore the receptors in question, the analysis also characterizes all exhaust PM10 emissions as being emitted from diesel vehicles. This is inaccurate in terms of vehicular mix as all of the construction period PM10 would not stem from diesel fuel burning sources. This has resulted in an overestimation of DPM emissions. These input errors result in model output that is not accurate and is inapplicable to the Project.

2. The commenter specifically claims that values used in air quality analysis associated with land use size and construction phase lengths were inconsistent with information in the MND or unjustified. The land use size was not changed, but rather relied upon CalEEMod defaults based on land use type and number of dwelling units. Dr. Rosenfeld's own updated analysis assumed the same square footage.

Regarding phase lengths, Dr. Rosenfeld states, "For each model, we proportionately altered the individual construction phase lengths to match the proposed 18-month and 14- month construction durations, respectively." However, review of Dr. Rosenfeld's updated model shows this not to be the case. The Phase 1 model, which results in the claimed ROG exceedance, comes short of the 18-month duration and the only phase length altered was for the building construction activity. While most phase durations were revised in

the Project's analysis, the greatest change was to the architectural coatings phase, which was altered to increase the duration and include overlap with the building construction and paving phases, as noted in the CalEEMod outputs justification responses and the footnotes of Table J of the air quality report prepared by LSA. This is common practice.

Taken as a whole, the record demonstrates that the MND and its supporting technical studies identify potential impacts and apply established methodologies and CEQA thresholds used by the City that are consistent with accepted scientific and technical industry standards. The MND identifies feasible, enforceable mitigation measures that reduce all impacts to less than significant. The issues raised in the January 16, 2026 SAFER letter rely on speculation, unsubstantiated estimates, or disagreement with methodology rather than substantial evidence of a significant effect. Under CEQA's fair argument standard, conflicting expert opinion or conjecture is not, by itself, substantial evidence of a significant effect where the lead agency's analysis is based on established methodologies and thresholds and enforceable environmental commitments. There is no substantial evidence, in light of the whole record, that the project may cause a significant effect not already mitigated, and an EIR is not required.